

IRAQ COALITION PROVISIONAL AUTHORITY

REGULATIONS

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COALITION PROVISIONAL AUTHORITY REGULATION NUMBER 1

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), relevant U.N. Security Council resolutions, including Resolution 1483 (2003), and the laws and usages of war,

I hereby promulgate the following:

Section 1 The Coalition Provisional Authority

- 1) The CPA shall exercise powers of government temporarily in order to provide for the effective administration of Iraq during the period of transitional administration, to restore conditions of security and stability, to create conditions in which the Iraqi people can freely determine their own political future, including by advancing efforts to restore and establish national and local institutions for representative governance and facilitating economic recovery and sustainable reconstruction and development.
- 2) The CPA is vested with all executive, legislative and judicial authority necessary to achieve its objectives, to be exercised under relevant U.N. Security Council resolutions, including Resolution 1483 (2003), and the laws and usages of war. This authority shall be exercised by the CPA Administrator.
- 3) As the Commander of Coalition Forces, the Commander of U.S. Central Command shall directly support the CPA by deterring hostilities; maintaining Iraq's territorial integrity and security; searching for, securing and destroying weapons of mass destruction; and assisting in carrying out Coalition policy generally.

Section 2 The Applicable Law

Unless suspended or replaced by the CPA or superseded by legislation issued by democratic institutions of Iraq, laws in force in Iraq as of April 16, 2003 shall continue to apply in Iraq insofar as the laws do not prevent the CPA from exercising its rights and fulfilling its obligations, or conflict with the present or any other Regulation or Order issued by the CPA.

Section 3 Regulations and Orders issued by the CPA

- 1) In carrying out the authority and responsibility vested in the CPA, the Administrator will, as necessary, issue Regulations and Orders. Regulations shall be those instruments that define the institutions and authorities of the CPA. Orders

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are binding instructions issued by the CPA. Regulations and Orders will remain in force until repealed by the Administrator or superseded by legislation issued by democratic institutions of Iraq. Regulations and Orders issued by the Administrator shall take precedence over all other laws and publications to the extent such other laws and publications are inconsistent. The Administrator may also from time to time issue Public Notices.

- 2) The promulgation of any CPA Regulation or Order requires the approval or signature of the Administrator. The Regulation or Order shall enter into force as specified therein, shall be promulgated in the relevant languages and shall be disseminated as widely as possible. In the case of divergence, the English text shall prevail.
- 3) CPA Regulations and Orders shall bear the symbols CPA/REG/Date Month 2003/_ and CPA/ORD/Date Month 2003/_. A register of the Regulations and Orders shall indicate the date of entry into force, the subject matter and amendments or changes thereto, or the repeal or suspension thereof.

Section 4 Memoranda

- 1) The Administrator may issue Memoranda in relation to the interpretation and application of any Regulation or Order.
- 2) CPA Memoranda shall bear the symbols CPA/MEM/Date Month 2003/_. The provisions of Section 3 shall also apply to the promulgation of CPA Memoranda.

Section 5 Entry into Force

This Regulation shall enter into force on the date of signature.

 5/16/03

L. Paul Bremer, Administrator
Coalition Provisional Authority

COALITION PROVISIONAL AUTHORITY REGULATION NUMBER 2

DEVELOPMENT FUND FOR IRAQ

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003), and the laws and usages of war,

Noting the letter of May 8, 2003 from Permanent Representatives of the United States of America and the United Kingdom of Great Britain and Northern Ireland to the President of the United Nations Security Council (S/2003/538),

Recognizing that ninety-five percent of the proceeds of all export sales of petroleum, petroleum products, and natural gas from Iraq, as well as funds from other sources, shall be deposited into the Development Fund for Iraq until an internationally recognized, representative government of Iraq is properly constituted, and that five percent of the proceeds referred to in paragraph 20 of Resolution 1483 shall be deposited into the Compensation Fund established in accordance with Resolution 687 (1991),

Reaffirming that a major CPA objective is to ensure that the newly established Development Fund for Iraq and other Iraqi resources, including Iraqi petroleum and petroleum products, are dedicated to the well-being of the Iraqi people,

Committed to ensuring, consistent with paragraph 14 of Resolution 1483, that the Development Fund for Iraq shall be used in a transparent manner to meet the humanitarian needs of the Iraqi people, for the economic reconstruction and repair of Iraq's infrastructure, for the continued disarmament of Iraq, and for the costs of Iraqi civilian administration, and for other purposes benefiting the people of Iraq,

I hereby promulgate the following:

Section 1 Purpose

This Regulation applies to the administration, use, accounting and auditing of the Development Fund for Iraq (the "Fund"). The Regulation is intended and shall be applied to ensure that the Fund is managed in a transparent manner for and on behalf of the Iraqi people, consistent with Resolution 1483, and that all disbursements from the Fund are for purposes benefiting the people of Iraq.

Section 2

Responsibilities

- 1) Administrator of the CPA (Administrator). Oversees and controls the establishment, administration and use of the Fund for and on behalf of the Iraqi people, and directs disbursements from the Fund for those purposes he determines to be for the benefit of the people of Iraq.
- 2) Director, Economic Policy, CPA, or other CPA official designated by the Administrator. Manages the Fund, in coordination with the Central Bank of Iraq, the U.S. Federal Reserve Bank of New York and, if the Administrator directs that accounts be opened in the Bank for International Settlements (Switzerland) and/or other financial institutions, in coordination with those institutions.
- 3) CPA Program Review Board (PRB). Reviews all competing requirements for the relief and recovery of Iraq, assesses all available resources, and, in consultation with the Iraqi interim administration, when established, develops for the approval of the Administrator spending plans, consistent with a comprehensive budgetary framework, that identify prioritized requirements for proposed disbursements from the Fund; considers in this process information provided by the CPA International Coordination Council, the International Advisory and Monitoring Board, and other entities, as appropriate.
- 4) CPA International Coordination Council. Advises the PRB on matters relating to international efforts to assist the people of Iraq in the relief, recovery and development of their economy, including proposing specific projects for funding consideration; supporting efforts to encourage the global donor community to participate in this effort; providing the PRB with information regarding the nature and scope of international assistance to Iraq; and, as requested, making recommendations to the PRB with regard to disbursements from the Fund.
- 5) International Advisory and Monitoring Board of the Development Fund for Iraq (the "IAMB"). Including duly qualified representatives of the Secretary-General of the United Nations, the Managing Director of the International Monetary Fund, the Director-General of the Arab Fund for Social and Economic Development, and the President of the World Bank, and not to exceed three additional duly qualified members appointed by the IAMB with the approval of the Administrator. The IAMB shall approve independent public accountants responsible for auditing the Fund, the Oil Proceeds Receipts Account referred to in section 2(9), and auditing export sales of petroleum, petroleum products, and natural gas from Iraq. The Administrator, in consultation with the IAMB, may appoint up to five non-voting observers to the IAMB. Consistent with its terms of reference, the IAMB shall perform functions similar to those of outside audit committees and may provide information and comments to the PRB and the Administrator as appropriate to serve the purposes of Resolution 1483 and this Regulation.

- 6) Central Bank of Iraq. Holds the Fund on its books and administers the Fund as directed by the Administrator or his delegee.
- 7) U.S. Federal Reserve Bank of New York (the "Federal Reserve Bank") (and/or the Bank for International Settlements (Switzerland), and/or other financial institutions, if the Administrator directs that accounts in such institutions be opened). As agreed between such institution(s) and the Administrator, opens and maintains on its books the "Central Bank of Iraq/Development Fund for Iraq" account, as requested by the Administrator. Pursuant to Resolution 1483 and this Regulation, it is understood that the Federal Reserve Bank will be requested to open and maintain on its books an Oil Proceeds Receipts Account (the "Receipts Account") for the initial receipt of proceeds of all export sales of petroleum, petroleum products, and natural gas from Iraq and for the immediate transfer of ninety-five percent of such proceeds to the "Central Bank of Iraq/Development Fund for Iraq" account and five percent of such proceeds to the appropriate United Nations Compensation Fund account.
- 8) Independent public accountants (auditors). Nominated by the Administrator, approved by the IAMB, and reporting to the IAMB and the Administrator, the independent public accountants audit the Fund and audit all export sales of petroleum, petroleum products, and natural gas from Iraq, supporting the objectives of ensuring that the Fund is used in a transparent manner and that such export sales are made consistent with prevailing international market best practices.

Section 3

Establishment of the Fund

The Fund shall be held on the books of the Central Bank of Iraq, and the corpus of the Fund shall be held in an account entitled "Central Bank of Iraq/Development Fund for Iraq," in the Federal Reserve Bank (and/or other financial institution(s), if the Administrator so directs), for the Central Bank of Iraq.

Section 4

Control of the Fund

The Fund shall be controlled by the Administrator of the CPA, for and on behalf of the Iraqi people. The Central Bank of Iraq and the Federal Reserve Bank (and/or other financial institution(s), if the Administrator so directs), shall accept instructions, as agreed, concerning the Fund, including instructions to pay sums out of the Fund, only from the Administrator or his authorized delegee(s).

Section 5

Administration of the Fund

- 1) General. The Central Bank of Iraq/Development Fund for Iraq account in the Federal Reserve Bank shall be governed by the Federal Reserve Bank's standard terms and conditions regarding accounts of foreign central banks and governments, to the extent consistent with applicable law.
- 2) Communications Protocol. The Fund will be controlled by the Administrator through a communications protocol to be agreed upon between the Administrator and the Federal Reserve Bank (and/or other financial institution(s), if the Administrator so directs). This protocol shall be documented in a funds transfer security procedures agreement.
- 3) Deposits into the Fund. One billion United States dollars from unencumbered funds in the accounts established pursuant to paragraphs 8(a) and 8(b) of United Nations Security Council Resolution 986 (1995) have been transferred to the Fund; and it is anticipated that certain restored and surplus funds, pursuant to paragraphs 17 and 23 of Resolution 1483, will be transferred to the Fund. In addition, ninety-five percent of the proceeds from all export sales of petroleum, petroleum products, and natural gas from Iraq shall be deposited into the Fund, pursuant to paragraph 20 of Resolution 1483, and five percent of such proceeds shall be deposited in the Compensation Fund established pursuant to Resolution 687 (1991), pursuant to paragraph 21 of Resolution 1483. There shall also be accepted for deposit into the Fund any gifts, contributions, donations or other funds, revenues or proceeds.
- 4) Internal Accounting. The CPA shall obtain the services of an independent, certified public accounting firm to support the objective of ensuring that the Fund is administered and used in a transparent manner for the benefit of the people of Iraq, and is operated consistent with Resolution 1483. The accountants performing this function shall be separate from those public accountants (auditors) approved by the International Advisory and Monitoring Board.
- 5) Privileges and Immunities. The Fund, including the accounts that comprise its corpus, and the Receipts Account, shall enjoy the privileges and immunities as set forth in paragraph 22 of Resolution 1483, as well as privileges and immunities to which the Fund may be entitled under any other law, regulation, order, or directive.

Section 6

Disbursements from the Fund

- 1) Authority to Approve. Only the Administrator or his delegee may approve disbursements from the Fund.
- 2) Directions to Disburse. Sums shall be disbursed from the Fund, in accordance with this Regulation, only upon the express direction of the Administrator, or upon the express direction of individual(s) to whom the Administrator has delegated that authority.
- 3) Purposes. Sums may be disbursed from the Fund to meet the humanitarian needs of the Iraqi people and for the economic reconstruction and repair of Iraq's infrastructure; for the continued disarmament of Iraq; for the costs of Iraq's civilian administration; and for other purposes the Administrator determines to be for the benefit of the people of Iraq.
- 4) Proposals for Disbursements. Disbursements from the Fund generally shall be proposed through procedures prescribed in, or promulgated in implementation of the CPA Order establishing the PRB. These procedures shall ensure that proposed disbursements are set forth in a spending plan reflecting the cost, purpose and priority of the requirement, and that, prior to approval by the Administrator, all spending plans are developed in consultation with the Iraqi interim administration, once established.

Section 7

Auditing

The Fund and the export sales of petroleum, petroleum products, and natural gas from Iraq, shall be audited by independent public accountants nominated by the Administrator and approved by the IAMB. The expenses incurred in obtaining the services of the approved independent public accountants shall be charged against the Fund. The CPA shall cooperate fully with the IAMB and the approved independent public accountants in carrying out each party's respective responsibilities. In particular, the CPA shall provide the IAMB and such accountants with access to the Fund's financial records, with confidential materials protected in a manner agreed between the parties.

Section 8

Dissolution of the Fund

Until the Fund is dissolved by the Administrator in a manner consistent with Resolution 1483, the Central Bank of Iraq shall continue to hold on its books the Fund. Also, as agreed between the Administrator and the Federal Reserve Bank

Section 8
Dissolution of the Fund

Until the Fund is dissolved by the Administrator in a manner consistent with Resolution 1483, the Central Bank of Iraq shall continue to hold on its books the Fund. Also, as agreed between the Administrator and the Federal Reserve Bank (and/or other financial institution(s)), such institution(s) shall continue to maintain on its books the "Central Bank of Iraq/Development Fund for Iraq" account, and shall continue to accept deposits into, make disbursements from, and otherwise operate the account, in accordance with applicable laws, regulations, policies and agreements.

Section 9
Entry into Force

This Regulation shall enter into force on the date of signature.

A handwritten signature in dark ink, appearing to read "L. Paul Bremer", followed by the date "6/15/03".

L. Paul Bremer, Administrator
Coalition Provisional Authority

**COALITION PROVISIONAL AUTHORITY
BAGHDAD IRAQ**

REGARDING THE COUNCIL FOR INTERNATIONAL COORDINATION

June 18, 2003

The Administrator of the Coalition Provisional Authority (CPA) for Iraq has decided that the growing magnitude and importance of contributions from the international community for the relief, recovery and development of Iraq calls for the establishment a Council for International Coordination, as part of the CPA. This Council will be chaired by Professor Marek Belka, former Deputy Prime Minister of Poland. Andrew Goleczkowski, a senior foreign affairs official from Australia, will be vice chair.

The Administrator will appoint additional representatives to the Council from those countries that want to contribute expertise or other resources to the relief, recovery and development of Iraq and that support the territorial integrity of Iraq and a representative government for the Iraqi people that does not possess weapons of mass destruction, does not support terrorism, and seeks peace with its neighbors.

The Council will be the CPA's focal point and coordinating body for international assistance in the relief, recovery and development of Iraq. The Council will encourage the international community to provide funds and other forms of assistance to Iraq and will coordinate international assistance provided by States, non-governmental organizations and international organizations. In carrying out its responsibilities, the Council will work closely with the UN Special Representative and his designees and other organizations involved in the relief, recovery and development efforts.

COALITION PROVISIONAL AUTHORITY REGULATION NUMBER 3

PROGRAM REVIEW BOARD

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003), and the laws and usages of war,

Noting the letter of May 8, 2003 from Permanent Representatives of the United States of America and the United Kingdom of Great Britain and Northern Ireland to the President of the United Nations Security Council (S/2003/538),

Underscoring that the Development Fund for Iraq shall be used in a transparent manner to meet the humanitarian needs of the Iraqi people, for the economic reconstruction and repair of Iraq's infrastructure, for the continued disarmament of Iraq, and for the costs of Iraqi civilian administration, and for other purposes benefiting the people of Iraq,

Reaffirming that the CPA is committed to ensuring that all state- or regime-owned cash, funds or realizable securities that have been seized by Coalition Forces in Iraq consistent with the laws and usages of war, shall be used only to assist the Iraqi people and support the reconstruction of Iraq,

Noting that paragraph 8 of Resolution 1483 (2003) requests the Secretary General to appoint a Special Representative for Iraq whose responsibilities include, in coordination with the Authority, assisting the people of Iraq,

I hereby promulgate the following:

Section 1 Establishment

There is hereby established as a part of the CPA an entity to be known as the Program Review Board ("Board"). The Board shall report directly to the Administrator of the CPA ("Administrator"). The Board shall carry out its responsibilities, as defined in this Regulation, in a manner consistent with the CPA's obligation to ensure that funds available to the CPA for providing relief to, and the recovery of Iraq are managed in a transparent manner and consistent with applicable law, for and on behalf of the Iraqi people. In addition, the Board shall, when and to the extent appropriate, consult the Iraqi interim administration referred to in paragraph 9 of Resolution 1483 (2003), and shall seek every opportunity to further the CPA's objective of gradually transferring to the Iraqi interim administration the responsibility of budgeting Iraq's financial resources. This Regulation establishes the procedures applicable to the Board's operations.

Section 2

Responsibilities

- 1) Administrator of the CPA (Administrator). Acting on behalf of the CPA, oversees and controls the establishment and operations of the Board, for and on behalf of the Iraqi people, and takes final action on budgets proposed by the Board as he determines to be for the benefit of the people of Iraq, consistent with Resolution 1483 (2003) and applicable laws and regulations. Directly supervises the Chairman of the Board.
- 2) Council for International Coordination. Advises the Board on matters relating to international efforts to assist the people of Iraq in the relief, recovery and development of their economy, including proposing specific projects for funding consideration; coordinating technical assistance programs and other donor activities; encouraging the global donor community to participate in this effort by contributing to Iraq relief and recovery efforts; providing the Board with information regarding the nature and scope of international assistance to Iraq; and, as requested, making recommendations to the Board with regard to disbursements from resources available for the relief and recovery of Iraq.
- 3) International Advisory and Monitoring Board of the Development Fund for Iraq ["IAMB"]. Advises the Board on matters relating to external audit processes, financial reporting and internal control systems of the Development Fund for Iraq.

Section 3

Chairman of the Board

The Administrator shall appoint a Chairman of the Board, who shall preside over all sessions of the Board, resolve all administrative matters relating to the execution of this Regulation, cast the deciding vote in any matter on which the votes of the Board's members are tied, forward to the Administrator all proposed actions on behalf of the Board, and represent the Board in communications with individuals and entities outside the CPA. The Chairman shall report directly to the Administrator.

Section 4

Membership of the Board

The Board shall consist of the Chairman and the following voting and nonvoting members, and such other voting or nonvoting members as the Administrator may appoint, consistent with the objective of furthering meaningful representation of the Iraqi people and the Iraqi interim administration in the process of developing budgets for the relief and recovery of Iraq.

- 1) Voting members. The following members, or their designees, shall attend formal sessions of the Board and vote on matters properly brought before the Board.

Chairman
Director, Economic Policy
Director, Civil Affairs Policy;
Director, Agency for International Development, Iraq mission;
Director, Operations;
Director, Security Affairs;

Authorized representatives of
Commander of Coalition Forces
Iraqi Ministry of Finance
United Kingdom
Australia
Chairman, Council for International Coordination

- a. When taking action on any matter directly relating to the disposition of funds appropriated by the U.S. Congress, the voting membership of the Board also shall include authorized representatives of the U.S. Department of Defense, U.S. Department of Treasury and U.S. Department of State. With approval of the Administrator, a CPA Director who serves as a voting member may serve concurrently as an authorized representative of the U.S. Departments of Defense, Treasury or State.
- b. The authorized representatives of the Iraqi Ministry of Finance, United Kingdom, Australia and Chairman, Council for International Coordination, who otherwise serve as voting members of the Board, shall serve as nonvoting members when the Board is taking actions as described in subsection 4 (l)(a), above.
- 2) Nonvoting members. The following members of the Board, or their designees, and such other members as the Administrator may designate, are authorized to attend all formal sessions of the Board:

CPA Comptroller
CPA General Counsel
Program Coordinator of the Board

Authorized representative of
U.S. Office of Management and Budget
U.S. Office of the Secretary of Defense

International Monetary Fund
World Bank
U.N. Special Representative of the Secretary General for Iraq
International Advisory and Monitoring Board

Section 5

Program Review Committee and Staff

The Chairman of the Board shall establish a Program Review Committee and a staff to assist the Board in carrying out its responsibilities under this Regulation. The Board's staff shall be headed by a Program Coordinator, who shall also serve as Chairman of the Program Review Committee and a nonvoting member of the Board.

- 1) Program Review Committee (PRC). The PRC shall be composed of individuals appointed by the Chairman of the Board, and should include representatives of the Coalition allies, the Council for International Coordination and the Iraqi Interim Administration (when established), and two nonvoting observers representing the International Auditing and Monitoring Board and the U.N. Special Representative of the Secretary General for Iraq. The PRC shall initially review all funding requests for which the PRB is responsible, categorize them, and make recommendations to the Board with respect to the priority, source of funding, and manner of executing the requirements. The PRC shall perform such other functions as the Chairman of the Board may direct.
- 2) Staff. Under the direction of the Program Coordinator, the Board's staff shall:
 - a. Distribute procedures to all CPA staff elements and other non-CPA entities regarding the process for submitting funding requests;
 - b. Create and maintain a database of all funding requests;
 - c. Monitor and account for balances of all available funds subject to budgeting by the Board under this Regulation;
 - d. Receive all funding requests and assist proponents as necessary to ensure that applications contain all necessary information;
 - e. Ensure that all spending requirements have undergone prior review at the regional or ministerial level prior to submission;
 - f. Ensure that spending requests are fully consistent with a comprehensive budgetary framework;

- g. Distribute copies of all spending requirements and related information to all members of the Board for consideration;
- h. Coordinate with proponents regarding any requests by the Board for additional information;
- i. Organize and prepare materials for sessions of the Board;
- j. Create, maintain and distribute, as appropriate, all official records of the Program Review Committee and the Board.

Section 6

Duties of the Board

- 1) General. The Board shall be responsible for recommending expenditures of resources from the Development Fund for Iraq and other resources identified in subsection 6 (3) of this Regulation, in a manner that meets the interests of the people of Iraq, furthers CPA's policy objectives, and comports fully with the CPA's stewardship and financial management duties under applicable laws and regulations, including United Nations Security Council Resolution 1483 (2003). The Board shall not be responsible for overseeing the manner in which approved spending requirements are executed.
- 2) Funding Plan. The Board shall be responsible for reviewing all identified requirements for the resources for which the Board is responsible; prioritizing these requirements; and integrating the prioritized requirements into a funding plan that forecasts available resources, recommends allocations of those resources, consistent with the purposes for which they are lawfully available and the relative priorities of all identified spending requirements; and sets forth the justification for the proposed expenditures and the recommended manner in which the expenditures should be executed (i.e., by contract or otherwise). In performing this function, the Board shall consider relevant information concerning relief and recovery efforts in Iraq and related budgeting documents, including the Iraqi Ministry of Finance budget of Iraqi resources.
- 3) Resources Subject to Funding Plan. In proposing funding plans for the relief and recovery of Iraq, the Board shall be responsible for recommending disbursements of:
 - a. Funds appropriated for such purposes by the U.S. Congress;

- b. Iraqi property lawfully vested in the U.S. Treasury, to the extent that the Secretary of Defense is designated with authority to use such property to assist the Iraqi people and assist in the reconstruction of Iraq;
- c. Iraqi state- or regime-owned cash, funds, realizable securities, or other state- or regime-owned movable property seized in Iraq consistent with the laws and usages of war;
- d. The Development Fund for Iraq.

4) Preparation and Submission of Funding Plans.

- a. Frequency. The Board shall submit funding plans at such times as the Chairman determines necessary to ensure the prompt and effective delivery of resources to Iraq, consistent with a comprehensive budgetary framework for Iraq.
- b. Development. The Board shall, with the concurrence of a majority of voting members, prescribe such procedures as may be necessary to enable the timely preparation of funding plans, including instructions for identifying and submitting spending requirements to the Board for consideration, and procedures for advising the Board of current relief and recovery activities in Iraq.
- c. Content and Format. Funding plans submitted by the Board shall include (i) a description of the amounts available within each source of funding subject to planning by the Board, as identified in Section 6 (3) of this Regulation; (ii) proposed funding requirements for each category of funding, prioritized to reflect the relative importance and urgency of the each such requirement; (iii) a recommendation as to the U.S. executive agency to which any funds appropriated by the U.S. government should be apportioned; and (iv) a recommendation as to the manner in which the prioritized spending requirements should be executed (i.e., by contract or otherwise). The Board shall submit proposed funding plans in a format to be approved by a majority of the Board's voting members.
- d. Consultation with International Financial Institutions ("IFIs"). To ensure that proposed funding plans are developed in view of needs assessments being undertaken by the IFIs, the IFIs should be given an opportunity to consult with the Board and the PRC on projects of significant value.
- e. Approval. All proposed funding plans shall be submitted to the Administrator for approval.

- f. Publication. Approved funding plans shall be published in Arabic and broadly disseminated to the Iraqi people in a form to be prescribed by the Administrator.
- 5) Execution of Funding Plans. The Board shall propose principles and standards for expending funds for the relief and recovery of Iraq in a fair, consistent and transparent manner, through contracts or otherwise. In developing these proposed principles and standards, the Board shall consider prevailing international standards relating to procurement, including the codes and standards used by international financial institutions. Upon approval by a majority of the Board's voting members, the Chairman shall submit these principles and standards to the Administrator for final approval.
- 6) In carrying out these functions, the Board shall ensure appropriate coordination with the Special Representative of the Secretary General for Iraq, or his designee(s), in accordance with Resolution 1483 (2003) and, when and to the extent appropriate, shall consult the Iraqi interim administration referred to in paragraph 9 of Resolution 1483 (2003).

Section 7

Board Sessions

- 1) General. The Board shall meet at such times and in such locations as directed by the Chairman. The Board shall meet in formal session for the purpose of taking official action on any matter within the Board's responsibility, as set forth in this Regulation. At the Chairman's direction, the Board, or any part thereof, may meet in informal session, in order to plan or prepare for formal sessions of the Board, or carry out such other functions as the Chairman may prescribe, in furtherance of the Board's responsibilities.
- 2) Attendance. Formal sessions of the Board shall be attended by voting and nonvoting members and such other individuals as the Chairman may authorize. Informal sessions of the Board shall be attended by such members and other individuals as the Chairman may direct.
- 3) Quorum. The Board may take official actions only in formal sessions at which no fewer than seventy percent of the voting members of the Board are present.

- 4) Minutes. The Recorder of the Board shall prepare written minutes of each formal session of the Board, summarizing the Board's consideration of and action upon all matters brought before it. These minutes shall be made public.
- 5) Actions Relating to U.S. Government Appropriations. When taking action on any matter directly relating to the disposition of funds appropriated by the U.S. Congress, the voting and nonvoting membership of the Board shall be as prescribed in subsection 4(1) of this Regulation.

Section 8

U.S. Government Contracts and Grants

Nothing in this Regulation shall be construed to affect the validity of any contract or grant entered into by the U.S. Government with respect to relief or reconstruction in Iraq prior to the effective date of this Regulation.

Section 9

Dissolution of the Board

Until the Board is dissolved by the Administrator at the request of an internationally recognized, representative government of Iraq, the Board shall continue to operate in accordance with this Regulation and all other applicable laws, regulations, policies and agreements.

Section 10

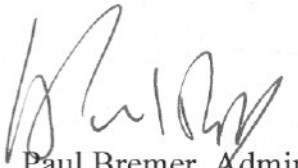
Administrative Procedures

The Board may prescribe such additional administrative procedures as may be necessary to carry out its responsibilities under this Regulation. Such procedures shall be effective only upon approval by a majority of the Board's voting members.

Section 11

Entry into Force

This Regulation shall enter into force on the date of signature.

 6/15/03
L. Paul Bremer, Administrator
Coalition Provisional Authority

COALITION PROVISIONAL AUTHORITY REGULATION NUMBER 6

GOVERNING COUNCIL OF IRAQ

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), relevant U.N. Security Council resolutions, including Resolution 1483 (2003), and the laws and usages of war,

Recognizing that, as stated in paragraph 9 of Resolution 1483, the Security Council supports the formation of an Iraqi interim administration as a transitional administration run by Iraqis, until the people of Iraq establish an internationally recognized, representative government that assumes the responsibilities of the CPA,

Noting that on July 13, 2003, the Governing Council met and announced its formation as the principal body of the Iraqi interim administration referred to in paragraph 9 of Resolution 1483,

Affirming that the CPA and the Special Representative of the U.N. Secretary General have worked together and will continue to work together in a cooperative and consultative process to support the formation and operation of the Governing Council and welcomed the formation of the Governing Council on July 13, 2003,

Acknowledging that, consistent with Resolution 1483, the Governing Council has certain authorities and responsibilities as representatives of the Iraqi people, including ensuring that the Iraqi people's interests are represented in both the interim administration and in determining the means of establishing an internationally recognized, representative government,

Emphasizing that, consistent with Resolution 1483, the Governing Council and the CPA, each in coordination with the Special Representative of the U.N. Secretary General, undertake to work together in a cooperative and consultative process for the benefit of the Iraqi people,

I hereby promulgate the following:

Section 1 Recognition of Governing Council

The CPA recognized the formation of the Governing Council as the principal body of the Iraqi interim administration, pending the establishment of an internationally recognized, representative government by the people of Iraq, consistent with Resolution 1483.

Section 2
Relationship between Governing Council and the CPA

- 1) In accordance with Resolution 1483, the Governing Council and the CPA shall consult and coordinate on all matters involving the temporary governance of Iraq, including the authorities of the Governing Council.
- 2) All officials of the CPA are hereby instructed promptly to respond to all requests for experts, technical assistance or other support requested by the Governing Council.

Section 3
Entry into Force

The Regulation shall enter into force on the date of signature.


L. Paul Bremer, Administrator
Coalition Provisional Authority

COALITION PROVISIONAL AUTHORITY REGULATION NUMBER 5

COUNCIL FOR INTERNATIONAL COORDINATION

(AMENDMENT)

Pursuant to my authority as head of the Coalition Provisional Authority (CPA), and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003),

Furthering the requirement to effectively manage CPA programs and activities through the assignment of responsibilities among CPA officials in a manner that responds to changes in personnel resources while preserving continuity of leadership,


I hereby promulgate the following:

**Section 1
Amendment**

Section 3, paragraph 1 of CPA Order No. 5, Council for International Coordination (18 June 2003), is hereby amended to read as follows: *"1) The Administrator shall designate a Chairman and a Vice Chairman of the Council."*

**Section 2
Entry into Force**

This Amendment shall enter into force on the date of signature.


L. Paul Bremer, Administrator
Coalition Provisional Authority

COALITION PROVISIONAL AUTHORITY REGULATION NUMBER 5

COUNCIL FOR INTERNATIONAL COORDINATION

Pursuant to my authority as head of the Coalition Provisional Authority (CPA), and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003),

Furthering paragraph 1 of Resolution 1483, appealing to Member States and concerned organizations to assist the people of Iraq in their efforts to reform their institutions and rebuild their country, and to contribute to conditions of stability and security in Iraq,

Furthering paragraph 2 of Resolution 1483 calling upon Member States in a position to do so to respond immediately to humanitarian appeals of the United Nations and other international organizations for Iraq and to help meet the humanitarian and other needs of the Iraqi people by providing food, medical supplies, and resources necessary for reconstruction and rehabilitation of Iraq's economic infrastructure,

Noting that paragraph 8 of Resolution 1483 requests the Secretary General to appoint a Special Representative for Iraq whose responsibilities include, in coordination with the CPA, assisting the people of Iraq,

Noting the letter of May 8, 2003 from the Permanent Representatives of the United States of America and the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council (S/2003/538) affirming that they and Coalition partners will work through the CPA to provide for security in and for the provisional administration of Iraq,

I hereby promulgate the following:

Section 1 Purpose

The Council for International Coordination (the "Council") is hereby established as an organization that will work on behalf of the CPA, to support, encourage and facilitate participation of the international community in relief, recovery and development efforts with respect to Iraq. The Council's efforts will not include coordination of assistance with respect to establishing an Iraqi police capability, establishing a New Iraqi Army or other security matters.

Section 2 Membership

- 1) The Council shall be composed of representatives from Coalition members and other countries that:
 - a) support the territorial integrity of Iraq, and a representative government for the Iraqi people that does not possess weapons of mass destruction, does not support terrorism, and seeks peace with its neighbors;
 - b) possess expertise or other resources that will assist in furthering the purposes of the Council as set out in Section 1; and
 - c) offer to provide a representative in Iraq.
- 2) The Administrator of the CPA shall appoint the initial representatives to the Council from Coalition members. The Chairman, designated under Section 3 of this Order, shall after consultation with the existing members of the Council, nominate additional representatives for appointment by the Administrator.
- 3) Any remuneration or expenses of a representative to the Council will be the responsibility of the representatives' sending States.
- 4) The Council shall report to and work under the authority, direction and control of the Administrator.

Section 3 Chairman and Vice Chairman

- 1) The Administrator shall designate a Chairman and a Vice Chairman of the Council. The Chairman shall be from a country that is a member of the Coalition Forces, and the Vice Chairman shall be from Australia, the United Kingdom or the United States.
- 2) The Chairman, and in his or her absence, the Vice Chairman, or other mutually agreed designee, will chair the meetings of the Council, and will participate in the CPA Program Review Committee and the CPA Program Review Board, both of which shall be established separately from this Order.
- 3) The Chairman and the Vice Chairman shall nominate directors, as necessary, for appointment by the Administrator.

- 4) The Chairman and the Vice Chairman shall nominate a Senior Iraqi Advisor, for appointment by the Administrator.

Section 4

Functions and Powers of the Council

- 1) The Council shall have the following functions and responsibilities:
- a) encourage the international community to provide funds and other forms of assistance to Iraq, consistent with Resolution 1483, and, in particular, paragraphs 1, 2 and 26 of Resolution 1483;
 - b) coordinate international assistance for Iraq from States, non-governmental organizations and international organizations, including receiving and analyzing project proposals from the international community, identifying priority needs for funding, and helping match international resources to prioritized needs;
 - c) report and make recommendations to the CPA Program Review Board on the international community's assistance efforts in Iraq;
 - d) inform the CPA Program Review Board of those priority assistance projects in Iraq for which international community funding has not been made available;
 - e) working through the Program Review Committee and the Program Review Board, make recommendations to the Administrator on project approvals;
 - f) provide briefings to, and work as a liaison with, the international community;
 - g) coordinate visits to CPA by international visitors;
 - h) identify available international expertise, and make recommendations to the Administrator, regarding possible use of this expertise within the CPA;
 - i) working through the Chairman and any appropriate subordinates, provide oversight to the facilities manager of the Iraq Forum;
 - j) recommend specific assistance projects for coordination and oversight by the Council, as directed by the Administrator; and
 - k) perform such other functions as the Administrator assigns to the Council.

- 2) In carrying out these functions, consistent with paragraph 8 of Resolution 1483, the Council shall ensure appropriate coordination with the Special Representative of the Secretary General for Iraq, or his designee(s), and, consistent with paragraph 2 of Resolution 1483, with other organizations appealing for or providing humanitarian assistance for Iraq. The Council shall also coordinate its assistance efforts with the respective member State's assistance efforts, including groups such as the Senior Coalition Contribution Group.

Section 5

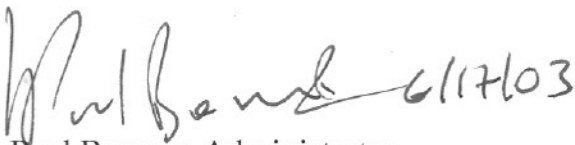
Meetings of the Council

- 1) Meetings of the Council shall be chaired by the Chairman, and, in his or her absence, by the Vice Chairman or a mutually agreed designee.
- 2) A quorum of half of the members of the Council, plus one, is required in order for the Council to meet and make decisions. As necessary, the Chairman may permit participation pursuant to a written proxy.
- 3) Decisions of the Council shall be made by consensus whenever possible and otherwise by the majority vote of the Council. Each member shall have one vote. In the event of a tie, the chair for the meeting shall cast the deciding vote.
- 4) The Council may invite any persons to its meetings as may be necessary for the transaction of its business.

Section 6

Entry into Force

This Regulation shall enter into force on the date of signature.



L. Paul Bremer, Administrator
Coalition Provisional Authority

**COALITION PROVISIONAL AUTHORITY
REGULATION NUMBER 7**

INTERNATIONAL DONOR ASSISTANCE

Pursuant to my authority as head of the Coalition Provisional Authority (CPA), and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolutions 1483 and 1511 (2003),

Furthering paragraph 1 of Resolution 1483, appealing to Member States of the United Nations and concerned organizations to assist the people of Iraq in their efforts to reform their institutions and rebuild their country, and to contribute to conditions of stability and security in Iraq,

Furthering paragraph 2 of Resolution 1483, calling upon Member States in a position to do so to respond immediately to humanitarian appeals of the United Nations and other international organizations for Iraq and to help meet the humanitarian and other needs of the Iraqi people by providing food, medical supplies, and resources necessary for reconstruction and rehabilitation of Iraq's economic infrastructure,

Furthering paragraph 15 of Resolution 1483, which calls upon the international financial institutions to assist the people of Iraq in the reconstruction and development of their economy and to facilitate assistance by the broader donor community,

Noting the statement of September 20, 2003, in Dubai, by the Ministers of Finance and Central Bank Governors of the Group of Seven Industrialized Nations, in which the participants affirmed their support for a multilateral effort to help rebuild and develop Iraq and for the International Monetary Fund (IMF) and the World Bank to provide financial and other assistance to Iraq rapidly, subject to their policies,

Observing that the IMF and the World Bank already have provided significant technical assistance to Iraq, but that having these international financial institutions (IFIs) work closely with the Governing Council and Iraqi ministers now on arrangements necessary to enable the early commencement of IFI lending would further help the people of Iraq in the reconstruction and development of their country,

Recognizing that the Governing Council and its ministers, as provided in paragraph 4 of Resolution 1511, are the principal bodies of the Iraqi interim administration, which, without prejudice to its further evolution, embodies the sovereignty of the State of Iraq during the period of transition,

Recalling paragraph 20 of Resolution 1511, which urges the international financial institutions to take immediate steps to provide their full range of loans and other assistance to Iraq, working with the Governing Council and its ministers,

Noting the Conclusions by the Chair of the International Donors' Conference on Reconstruction in Iraq, held in Madrid October 23-24, 2003, which stated that the conference looks forward to the early creation of an Iraqi-led coordination mechanism to ensure that Iraqi priorities and needs guide the national development process and to prevent the emergence of gaps and duplication, and called upon all donors to work with this mechanism,

I hereby promulgate the following:

Section 1

Iraqi Strategic Review Board

- 1) *Establishment.* The Iraqi Strategic Review Board (the "Board") is hereby established as the Iraqi organization, operating under the authority of the Governing Council or its successor, that will work on behalf of the Iraqi people to forge a strong partnership among the interim Iraqi administration and contributing governments, international organizations and other entities that provide grants, loans, guarantees, or other financial or technical assistance in support of Iraq's relief, recovery and development efforts.
- 2) *Functions.*
 - a) The Board shall provide overall policy guidance with respect to multilateral and bilateral financial and economic development assistance for Iraq, setting and prioritizing needs in a transparent manner that does not unfairly discriminate among the Iraq's geographic regions and cultural and religious groups.
 - b) In addition, the Board shall take action on recommendations from the Ministry of Planning and Development Cooperation regarding the allocation of international financial and other assistance against Iraq's needs. In exercising this authority, the Board shall, within ten working days following the relevant Ministry's submission of a recommendation, either approve or disapprove the recommendation, or return it to the Ministry for reconsideration.
 - c) The Board shall work closely with the Ministry of Planning and Development Cooperation and the Ministry of Finance to ensure that international assistance for Iraq is actively fostered, properly allocated against Iraq's prioritized needs, effectively utilized and monitored, and integrated into the Iraqi national budget.

3) *Membership.* The Board shall consist of five individuals: two appointed by the Governing Council; the Minister of Planning and Development Cooperation, the Minister of Finance, and a representative of the CPA.

4) *Chairmanships.*

- a) The Board shall designate from amongst its membership a Chairman and a Vice Chairman.
- b) The Chairman (or, in his or her absence, the Vice Chairman) shall participate in the International Reconstruction Fund Facility in such capacity as many be agreed with the IRFF Donor Committee.

5) *Board Meetings.*

- a) Meetings of the Board shall be chaired by the Chairman, and, in his or her absence, by the Vice Chairman or a mutually agreed designee.
- b) A quorum of four members is required in order for the Board to meet and make decisions. As necessary, the Chairman may permit participation pursuant to a written proxy.
- c) Decisions of the Board shall be made by consensus whenever possible and otherwise by majority vote of the Board. Each member shall have one vote. In the event of a tie, the chair for the meeting shall cast the deciding vote.
- d) The Board may invite any persons to its meetings as may be necessary for the transaction of its business.

Section 2

Ministry of Planning and Development Cooperation

- 1) *Renaming.* The Iraq Ministry of Planning is hereby renamed the Ministry of Planning and Development Cooperation. All references in previous orders, regulations, and memoranda or Iraqi laws and regulations to the Ministry of Planning shall be deemed to refer to the Ministry of Planning and Development Cooperation.
- 2) *Support.* The CPA shall provide personnel support to the Ministry of Planning and Development Cooperation, in consultation with the Minister, in order to reinforce and develop local Iraqi capacity at all levels. In addition, the CPA and the Minister shall seek technical assistance for the Ministry from appropriate international sources.

3) *Functions.* The Ministry of Planning and Development Cooperation shall, consistent with the responsibilities of other Ministries specifically set forth in this Regulation and under the overall guidance of the Board:

- a. Take such actions as it deems necessary to promote international assistance to Iraq, including liaising with existing and potential donors and following up on pledges of assistance;
- b. Develop transparent procedures for allocating international assistance to geographic and/or functional sectors in Iraq; make recommendations, with the concurrence of the Ministry of Finance, to the Board regarding specific programs and/or the allocation of international assistance among these sectors; and authorize the disbursement of assistance for specific programs, projects and activities, within sector allocations approved by the Board;
- c. With the concurrence of the Ministry of Finance, ensure that the recommendations presented to the Board reflect a single, comprehensive and integrated plan for matching all available revenues, regardless of source, against all known requirements in the manner that optimizes the use of those resources to meet Iraq's prioritized needs;
- d. consistent with this Regulation, prescribe procedures for the Iraqi Ministries' performance of duties relating to international assistance to Iraq;
- e. Serve, together with the Board, to represent the people of Iraq in connection with trust funds administered by the United Nations and World Bank, including reviewing and recommending for approval programs and projects to be financed by the Facility and participating in the Facility's Donor Committee and Coordinating Committee as may be agreed;
- f. Work closely with the Ministry of Finance and the Central Bank of Iraq to ensure that assistance from the international financial institutions is allocated consistently with the national budget, and in a manner that supports the integration of capital improvements and operating requirements into a unified national budget as soon as practicable;
- g. Work closely with the CPA's Program Management Office to ensure that pre-existing bilateral commitments and the U.S. Government's apportionment and obligation of funds that the U.S. Congress appropriates for Iraq relief and reconstruction are taken into account in their recommendations to the Board;

- h. Monitor the implementation of international financial assistance to Iraq to ensure that resources are applied against Iraq's prioritized needs and equitably distributed among Iraq's geographic regions and cultural and religious groups;
- i. Participate in the Council for International Coordination (CIC) through the assumption of the Chairmanship of the CIC by the Minister of Planning and Development Cooperation, as decided unanimously by the CIC on November 19, 2003.

Section 3

Roles and Responsibilities of the Iraqi Ministries

- 1) Iraqi Ministries shall submit program and plans for the expenditure of donor funds to the Ministry of Planning and Development Cooperation for the approval of the Board. In accordance with such approval, the Iraqi Ministries shall negotiate, execute and implement grant and technical assistance agreements with governments, non-governmental organizations, and other donors for projects and activities related to the particular Ministry's functional responsibilities.
- 2) Iraqi Ministers shall also ensure effective liaison and coordination, in their responsibility, with regional and local officials. The Ministry of Planning and Development Cooperation will work with Iraqi Ministries and regional and local officials to facilitate and assist in this regard.

Section 4

Bilateral Assistance

- 1) *Contracting Procedures.*
 - a) In negotiating and executing bilateral arrangements for financial and economic development assistance to Iraq, the Ministries may agree to terms that authorize contributing governments to designate project(s) or programs that will be funded by their assistance, and to direct all contracting activities necessary to carry out such project(s) or programs, including the selection of contractors and subcontractors. The Ministries shall encourage contributing governments to adopt contracting procedures that ensure competitive and open bidding and that are otherwise consistent with internationally accepted contracting principles; and to complement their bilateral assistance with assistance channeled through multi-donor trust fund(s) and other multilateral mechanisms.

- b) To the extent that bilateral arrangements negotiated pursuant to this Regulation provide for the application of contracting procedures or the execution of contracting actions as specified by the contributing government, the CPA shall regard such procedures or actions as having the same legal force and effect as contracting procedures or actions adopted by the CPA. In addition, the CPA shall accord contractors and subcontractors selected by contributing governments pursuant to this subsection the same privileges, protection and support provided to contractors and subcontractors of Coalition partners.
- 2) *Additional Provisions.* In addition to the terms and conditions specified in subsection 4(1) of this Regulation, bilateral arrangements for assistance to Iraq may contain such other terms and conditions as the Board may determine necessary and appropriate, including provisions that:
- a) Grant contributing governments direct access to communicate with Governing Council representatives or their successors and Iraqi Ministers regarding projects funded with their contributions;
 - b) Offer office facilities at the Iraqi Business Center in Baghdad for representative(s) of contributing governments;
 - c) Accord exporters of contributing governments access to the facilities of the Trade Bank of Iraq; and

Section 5

International Financial Institution Assistance

- 1) Subject to the overall guidance and final approval of the Board:
- a) The Ministry of Finance shall be responsible for developing, negotiating and authorizing all IMF assistance to Iraq, as well as preparatory activities related thereto;
 - b) The Ministry of Planning and Development Cooperation shall be responsible for developing, negotiating and authorizing all World Bank and other IFI assistance to Iraq, as well as preparatory activities related thereto...

To ensure that grant, technical assistance, lending and other arrangements with the IFIs are made within the broader context of Iraq's economic infrastructure and social policies and are effectively coordinated with the national budgeting process, the Ministry of Finance, the Central Bank of Iraq, and the Ministry for Planning and Development

Cooperation shall consult regularly on the development and negotiation of any such arrangements, as well as preparatory activities related thereto.

Section 6

Authority of the Governing Council and Iraqi Ministries

The CPA recognizes that, as stated in Resolution 1511, the Governing Council and its ministers are the principal bodies of the Iraqi interim administration, which, without prejudice to its further evolution, embodies the sovereignty of Iraq during the period of transition, and that, consistent with Resolutions 1483 and 1511, these bodies have the authority to carry out the functions and responsibilities set forth in this Regulation. Any additional authority the CPA has with respect to such functions and responsibilities is hereby delegated to the Governing Council, for further delegation as it deems appropriate, consistent with this Regulation.

Section 7

Effect on Other CPA Regulations

To the extent this Regulation is inconsistent with CPA Regulation Nos. 1, 5, and 6, the provisions of this Regulation prevail.

Section 8

Entry into Force

This Regulation shall enter into force on the date of signature.



L. Paul Bremer III, Administrator
Coalition Provisional Authority

COALITION PROVISIONAL AUTHORITY REGULATION NUMBER 4

ESTABLISHMENT OF THE IRAQI PROPERTY RECONCILIATION FACILITY

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA) and the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003),

Recognizing that large numbers of people from different ethnic and religious backgrounds in Iraq have been uprooted and forced to move from their properties to serve political objectives of the Ba`athist regime,

Recognizing that as a result of these Ba`athist policies, many individuals have conflicting claims to the same real property, resulting in instability and occasional violence,

Recognizing that pending the establishment of a means of finally resolving property-related claims by a future Iraqi government, certain of these claims may be amenable to voluntary reconciliation immediately, thereby avoiding further instability and violence,

I hereby promulgate the following:

Section 1 Establishment

- 1) There shall be established an Iraqi Property Reconciliation Facility (IPRF) that shall commence operation at a time to be fixed by the Administrator, for the purpose of collecting real property claims and promptly resolving such claims on a voluntary basis in a fair and judicious manner.
- 2) The IPRF shall operate under the authority of the Administrator and shall terminate operation at such time as the Administrator shall determine.
- 3) The Administrator may authorize the establishment of an IPRF Fund to be used in connection with the operations of the IPRF.

Section 2 Delegation of Authority

The Administrator may delegate any of the authorities hereunder, including by designating an international organization to implement IPRF .

Section 3 Composition

- 1) The IPRF central office shall be located in Baghdad, and it shall administer the IPRF and coordinate with other entities as necessary to accomplish the objectives of the IPRF;
- 2) The IPRF shall also have several regional offices located throughout Iraq. Each office will be staffed with one or more international staff and five or more Iraqis who are representative of the geographical area covered by that office.
- 3) The Administrator, or his delegee in consultation with the Administrator, will select the individuals who will serve in the regional offices and the Executive Secretariat.

Section 4 Powers and Functions

- 1) The head of the central office shall:
 - a) provide advice to and coordinate with the regional offices to ensure consistent procedures and policies among the regional offices;
 - b) report to the Administrator with respect to all aspects of the IPRF; and
 - c) perform such other functions delegated by the Administrator.
- 2) The regional IPRF offices shall:
 - a) provide information to the Iraqi public about the IPRF, its regional offices and the services provided by such offices;
 - b) receive claims from individuals with property disputes;
 - c) provide a voluntary dispute resolution and reconciliation facility that individuals may use to resolve their disputes; and
 - d) perform such other functions delegated by the Administrator.

Section 5 Regulation

The IPRF shall be bound by and operate in accordance with any Regulations, Orders or Memoranda issued by the Administrator.

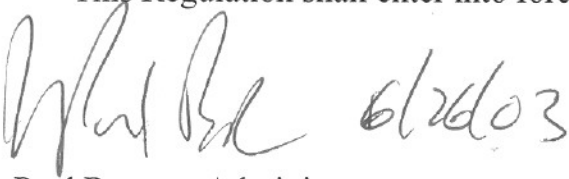
d) perform such other functions delegated by the Administrator.

Section 5 Regulation

The IPRF shall be bound by and operate in accordance with any Regulations, Orders or Memoranda issued by the Administrator.

Section 6 Entry into Force

This Regulation shall enter into force on the date of signature.

A handwritten signature in cursive script, followed by the date "6/26/03".

L. Paul Bremer, Administrator
Coalition Provisional Authority

COALITION PROVISIONAL AUTHORITY REGULATION NUMBER 8

DELEGATION OF AUTHORITY REGARDING AN IRAQ PROPERTY CLAIMS COMMISSION

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA) and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolutions 1483 and 1511 (2003),

Noting that large numbers of people from different ethnic and religious backgrounds in Iraq have been uprooted and forced to move from their properties to serve political objectives of the Ba`athist regime,

Recognizing that as a result of these Ba`athist policies, many individuals have conflicting claims to the same real property, resulting in instability and occasional violence,

Concluding that pending the establishment of a means of finally resolving property related claims by a future Iraqi government, certain of these claims may be amenable to voluntary reconciliation immediately, thereby avoiding further instability and violence,

I hereby promulgate the following:

Section 1 Delegation of Authority

The Governing Council is hereby authorized to establish the Iraq Property Claims Commission (IPCC) for the purpose of collecting and resolving real property claims and to promulgate procedures for promptly resolving such claims in a fair and judicious manner by promulgating a statute, the proposed provisions of which have been discussed between the Governing Council and the CPA and are set forth in Appendix A.

Section 2 Terms and Conditions

The authority delegated under Section 1 of this Regulation shall be subject to the following terms and conditions:

- a) The Governing Council shall ensure that all procedures established for the IPCC are consistent with orders, regulations, and memoranda promulgated by the CPA.
- b) Representatives of the CPA shall be given the opportunity to advise and assist in the claims resolution process.
- c) The CPA shall oversee the distribution of all funds for claims resolution provided by the Development Fund for Iraq or by Coalition or other donor States.

d) In the event of a conflict between any promulgation by the Governing Council and any promulgation of the CPA, the promulgation of the CPA shall prevail.

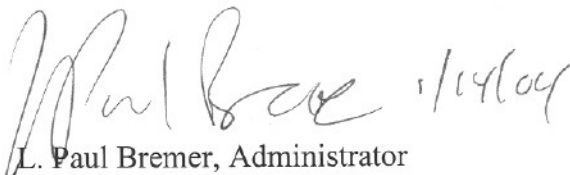
e) The Administrator reserves the authority to alter the Statute creating the Iraq Property Claims Commission or any procedures developed for the IPCC, or to otherwise intervene in the claims resolution process, if required in the interests of justice.

Section 3 Rescission

CPA Regulation Number 4, Establishment of the Iraqi Property Reconciliation Facility, (CPA/REG/25 June 2003/04) is hereby rescinded.

Section 4 Effective Date

This Regulation shall enter into force on the date of signature.

 1/14/04
L. Paul Bremer, Administrator
Coalition Provisional Authority

IRAQI PROPERTY CLAIMS COMMISSION

SECTION ONE

Establishment

Article One

This statute hereby establishes the Iraqi Property Claims Commission (the “IPCC”), which shall resolve real property claims in a fair and judicious manner. The IPCC shall encourage the voluntary resolution of claims.

SECTION TWO

Organization

Article Two

The IPCC shall consist of the following structures established by the Governing Council:

1. An Appellate Division, composed of judges and established as a separate chamber of the Iraqi Court of Cassation;
2. Regional commissions established in each governorate in Iraq. The Appellate Division may establish more than one regional commission in a governorate.

Article Three

A. The Appellate Division of the IPCC shall be composed of five judges who have experience in adjudicating property disputes, may be retired or serving judges, and are to be appointed by the Council of Judges.

B. Each Regional Commission (the “Regional Commission”) shall be comprised of (i) a judge, appointed by the Council of Judges, who shall preside, as chairman; (ii) the Director of the Office of Property Registration in the Governorate, or a representative; and (iii) the Director of State Property of such Governorate, or a representative. The Regional Commission may also request the assistance of persons who are experts on the subject of the claim.

Article Four

A. Each Regional Commission and the Appellate Division shall have a secretariat to assist in its administration.

B. The Governing Council shall ensure that the IPCC has the necessary funds to employ a secretariat and that the Regional Commissions find an appropriate place to operate in the capital of the relevant Governorate.

SECTION THREE

Procedures

Article Five

- A. The IPCC shall prepare a specialized claim form for purposes of filing claims.
- B. The process of adjudicating claims filed with the IPC shall commence with the claimant(s), or his representative filing a claim form. The Parties shall submit the claim to the Regional Commission where the property is located.

Article Six

- A. After receipt of a properly completed form, the secretariat of the relevant Regional Commission shall serve notice of the claim on interested parties, be that a natural or juridical person, in accordance with the Guidelines and Instructions issued by the Governing Council.
- B. Following receipt of notice of a claim, the Regional Commission shall open a claim file and record the claim in the intake register in the order received.
- C. The secretariat shall verify the claim and authenticate the identity of the parties, prior to submitting the file to the Regional commission.
- D. The Regional Commission is entitled to request the assistance of other governmental and non-governmental parties for purposes of valuation of interests and related matters.
- E. The Regional Commission shall issue its decision with respect to the claim and the secretariat shall be responsible for notifying the parties of the Commission's decision.

Article Seven

- A. An appeal of a decision of the Regional Commission must be filed with the Appellate Division within 30 days.
- B. Orders issued by the Regional Commission shall be final and conclusive and can be implemented immediately, unless appealed within 30 days.
- C. A decision of the Regional Commission will be enforceable when (i) a final decision by the Appellate Division is rendered or (ii) the requisite period for filing an appeal has passed.
- D. The final order shall be issued to all relevant parties and the appropriate Office of Property Registration for enforcement.
- E. If the property in question is occupied, possessed or used by the non-prevailing party, and such party has no other property, then the non-prevailing party shall be granted a

reasonable period of time to evacuate the premises. The secretariat shall also inform the displaced person(s) of the availability of any services for assistance.

SECTION FOUR

General Principles of Adjudication

Article Eight

The IPCC shall comply with the following principles when resolving property claims. The Governing Council shall issue more detailed provisions regarding the process in the Guidelines and Instructions.

- A. Any properties that were confiscated or seized, or on which liens were placed by the former government (not in the ordinary course of commercial business), but with title remaining in the name of the original owner, shall be returned to the original owner.
- B. Any properties that were confiscated or seized, the titles of which were transferred to the Government of Iraq or an instrumentality thereof, and that were not sold to a third party, shall be returned to the original owner.
- C. Any properties confiscated by the government that were used as mosques, other places of worship, religious schools, charities or were associated with such uses, shall be returned to the appropriate *waqfs* (religious endowments) connected to such uses or to the appropriate holders of title to such properties prior to their confiscation.
- D. After ensuring appropriate due process of law, any property the title to which is in the name of senior members of the Iraqi Ba`athist Government shall be returned to the rightful owners, if it is established that such properties were improperly acquired.
- E. If a property was confiscated and subsequently sold to a buyer (the "First Buyer"), and (i) title remains in the name of the First Buyer and (ii) no improvements were made to the property, then title to the property will be transferred back to the original owner and the First Buyer would not be entitled to compensation from the original owner.
- F. If the property was an unimproved property (that is, a property not built upon) when confiscated or otherwise seized, and then subsequently sold to the First Buyer, and the First Buyer has improved the property by building upon it, then the original owner would be entitled to either (i) having title transferred to him, provided that he pays the First Buyer the value of the improvements on the date such improvements were made or (ii) being paid appropriate compensation for the property (as an unimproved property) on the date of the passing of this statute.
- G. If the property was sold to the First Buyer, who subsequently acquired an adjoining property from the state, then title to both the original property and the adjoining property shall be transferred to the original owner, provided that such original owner pays the First Buyer the amount that such First Buyer paid for the adjoining property.

- H. If the property has a building on it and then was sold to the First Buyer, who subsequently demolished the original building and built a new building on it, then the original owner of the property may (i) request that title be transferred to him, after paying for the new building (valued on the day it was built) less the value of the old demolished building (valued on the date of the passing of this statute), or (ii) may request that the First Buyer acquire the property, including the demolished building, valued on the date of the passing of this statute (less any amounts paid by the First Buyer to the Government).
- I. If the property was subsequently sold by the First Buyer to other buyers, then the original owner could either (i) request that title be transferred to him or (ii) request compensation for the value of the property valued at the date of the passing of this statute. If the original owner chooses option (i) above, then the final buyer would be entitled to compensation for the value of the property valued at the date of passing of this law.
- J. If the property was granted as a security interest for a loan to the First Buyer and therefore had a lien on it, then title to the property would be transferred back to the original owner free and clear of any liens and the lender would have a claim against the First Buyer.
- K. If the property was unimproved and a building was built on it by the First Buyer, and a lien was placed on the property by a lender, then any amounts due to the First Buyer by the original owner (pursuant to paragraph F above) would be paid by the original owner to the lender to fully or partially satisfy the loan.
- L. If the property was confiscated and sold in a public auction and was purchased by either the original owner or his heirs, then they will be entitled to compensation from the state in an amount equivalent to the purchase price.
- M. Any other relevant situation shall be addressed consistent with these provisions.

SECTION FIVE

Other Matters

Article Nine

This statute applies to claims arising between July 17, 1968 and April 9, 2003 involving immovable property, assets affixed to immovable property, easements, or servitudes that were: (i) confiscated or seized for reasons other than land reform; or (ii) expropriated for reasons other than lawfully used eminent domain, or as a result of opposition to the Ba`athist

Government of Iraq, or as a result of ethnicity, religion, sect of the owners, or for purposes of ethnic cleansing; or (iii) acquired for less than appropriate value by the Ba`athist Government of Iraq; or (iv) property otherwise affected.

Article Ten

- A. Newly introduced inhabitants of residential property in areas that were subject to the policy of ethnic cleansing (i) can be resettled; (ii) can receive compensation from the state; (iii) can receive new land from the state near their residence in the governorate from which they came; and (iv) can receive cost of moving to such area.
- B. The ministry of Displacement and Migration shall be responsible for administering this policy.

Article Eleven

- A. Claims must be filed by December 31, 2004. Any claims filed with the IPCC after such date will not be accepted.
- B. Any claims with respect to properties within the jurisdiction of this Statute but filed subsequently to December 31, 2004 can be referred to the Iraqi Court system, which shall apply the principles included in this Statute. This provision is not available to any claimant who has already filed a claim with respect to the same property with the IPCC.

Article Twelve

Any provisions in resolutions or orders or laws contradicting this statute are hereby suspended.

Article Thirteen

All ministers are required to implement this law.

Article Fourteen

The Governing Council shall issue Guidelines and Instructions that will regulate the procedures to be followed by the IPCC.

Article Fifteen

The Governing Council means the Iraqi Governing Council established on July 13, 2003. The authority of the Governing Council for purposes of this Statute will transfer to the Successor Government.

Article Sixteen

Transfers of real property pursuant to this statute shall not be subject to income tax, a tax on a transfer of real property, or any other tax or stamp duty.

Article Seventeen

This Statute will become effective on January 15, 2004.

COALITION PROVISIONAL AUTHORITY REGULATION NUMBER 9

GOVERNING COUNCIL'S DISSOLUTION

Pursuant to my authority as Administrator of the Coalition Provisional Authority, and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolutions 1483 and 1511,

Noting that the Governing Council has approved the Law of Administration for the State of Iraq for the Transitional Period (TAL) and its Annex and charted a course to elections and a democratic future for Iraq, and

Recognizing that the Governing Council has completed its work on behalf of the Iraqi people,

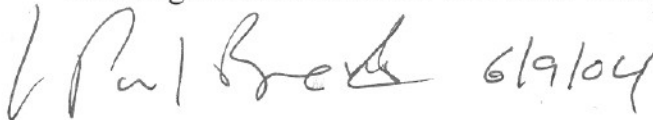
I hereby promulgate the following:

Section 1 Dissolution of the Governing Council

- 1) The CPA acknowledges the actions taken by the Governing Council to dissolve itself on June 1, 2004 as part of the ongoing evolution in the structures of the interim Iraqi administration, as contemplated by Resolutions 1483 and 1511.
- 2) CPA Regulation No. 6, Governing Council of Iraq (CPA/REG/13 July 2003/6), and CPA Memorandum No. 6, Implementation of Regulation on the Governing Council (CPA/MEM/03 September 2003/6), are hereby rescinded.

Section 2 Entry into Force

The Regulation shall enter into force on the date of signature.



L. Paul Bremer, Administrator
Coalition Provisional Authority

CPA/REG/9 June 2004/9

COALITION PROVISIONAL AUTHORITY REGULATION NUMBER 10

MEMBERS OF DESIGNATED IRAQI INTERIM GOVERNMENT

Pursuant to my authority as Administrator of the Coalition Provisional Authority, and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolutions 1483 and 1511,

Recognizing that the Special Advisor to the Secretary General of the United Nations has conducted extensive consultations with Iraqis of all regions and backgrounds in an effort to identify the principal members of the Iraqi Interim Government,

Noting that the members of the designated Iraqi Interim Government were announced on June 1, 2004,

I hereby promulgate the following:

Section 1

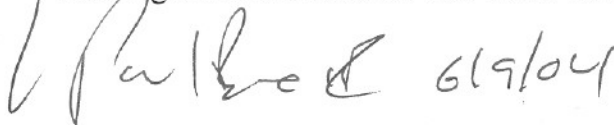
Support for Members of Designated Iraqi Interim Government

- 1) The CPA acknowledges that the individuals designated as members of the Iraqi Interim Government listed at Appendix A will exercise authorities in their respective ministries effective June 1, 2004 until such time as the Iraqi Interim Government assumes full governance authority for Iraq.
- 2) The CPA and the members of the designated Iraqi Interim Government will consult and coordinate on matters involving the temporary governance of Iraq until such time as the Iraqi Interim Government assumes full governance authority for Iraq.

Section 2

Entry into Force

The Regulation shall enter into force on the date of signature.



L. Paul Bremer, Administrator
Coalition Provisional Authority

REGULATION NUMBER 10

ANNEX A

President	Shaykh Ghazi M. Ajil al-Yawar
Deputy President	Dr. Ebrahim al-Jafari
Deputy President	Dr. Rowsch Shaways
Prime Minister	Dr. Ayad Allawi
Deputy PM, Nat'l Security Affairs	Dr. Barham Salih
Ministry of Agriculture	Dr. Sawsan Ali Magid al-Sharifi
Ministry of Communication	Dr. Mohamed Ali Alhakim
Ministry of Construction & Housing	Dr. Omar al-Farouq Salim al-Damluji
Ministry of Culture	Mr. Mufid Muhammad Jawad al-Jaza'iri
Ministry of Defense	Mr. Hazim al-Sha'lan
Ministry of Displacement and Migration	Ms. Pascale Sorya Isho
Ministry of Education	Dr. Sami al-Mudhaffar
Ministry of Electricity	Dr. Aiham Alsammarae
Ministry of Environment	Ms. Mishkat Moumin
Ministry of Finance	Dr. Adil Abdul Mahdi
Ministry of Foreign Affairs	Mr. Hishiyar Mahmud Muhammad al-Zibari
Ministry of Health	Dr. Ala'din Abdul Sahib Alwan
Ministry of Higher Education	Dr. Taher Khalaf Jabur al-Bakaa
Ministry of Human Rights	Dr. Bakhtiar Amin
Ministry of Industry & Minerals	Dr. Hajim M. Al-Hasani
Ministry of Interior	Mr. Falah H. al-Nakib
Ministry of Justice	Dr. Malik Dohan al-Hassan
Ministry of Labor & Social Affairs	Ms. Leyla Abdul Latif
Ministry of Municipalities and Public Works	Mrs. Nesreen M. Siddeek Berwari
Ministry of Oil	Mr. Thamir Abbas Ghadban
Ministry of Planning	Dr. Mehdi Hafedh
Ministry of Science & Technology	Dr. Rashad M. Omar
Ministry of Trade	Mr. Mohammed al-Jibouri
Ministry of Transportation	Mr. Louay Hatem Sultan al-Erris
Ministry of Water Resources	Dr. Latif Rashid
Ministry of Youth & Sports	Mr. Ali Fa'iq al-Ghabban
Minister of State, Provincial Affairs	Judge Wael Abdulatif
Minister of State, Women's Affairs	Ms. Narmin Othman
Minister of State	Dr. Kassim Daoud
Minister of State	Dr. Mamu Farham Othman Pirali
Minister of State	Mr. Adnan al-Janabi

**COALITION PROVISIONAL AUTHORITY
REGULATION NUMBER 11**

**AMENDMENTS TO COALITION PROVISIONAL AUTHORITY REGULATIONS NO.
2 (CPA/REG/10 JUNE 2003/02) AND NO. 3 (CPA/REG/18 JUNE 2003/03)**

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolutions 1483 and 1511 (2003) and 1546 (2004),

Noting that the Coalition Provisional Authority will dissolve on June 30, 2004 and that full governance authority of Iraq will transfer to the Iraqi Interim Government on that date,

Recognizing that on June 30, 2004 the Iraqi Interim Government will assume control over all funds in the Development Fund for Iraq,

Acknowledging that the Coalitional Provisional Authority has entered into contracts on behalf of the people of Iraq and that many of these contracts require continued performance and payment from the Development Fund for Iraq after June 30, 2004,

Understanding that continued performance and payments due under these contracts after June 30, 2004 are critical to the redevelopment and reconstruction of Iraq,

Desiring to amend Coalition Provisional Authority Regulation No. 2, Development Fund for Iraq, (CPA/REG/10 June 2003/02), and Coalition Provisional Authority Regulation No. 3, Program Review Board, (CPA/REG/18 June 2003/03), to provide for the orderly transition of authority over the Development Fund for Iraq from the Coalition Provisional Authority to the Iraqi Interim Government,

I hereby promulgate the following:

**Section 1
Transition of Authority over Development Fund for Iraq**

- 1) Section 3 of CPA Regulation No. 2, Development Fund for Iraq, (CPA/REG/10 June 2003/02), is amended to read as follows:

A sub-account of the account entitled “Central Bank of Iraq/Development Fund for Iraq” shall be created. The sub-account shall be entitled “Central Bank of Iraq/Development Fund for Iraq/Transition” and (when established) shall contain funds equal to or in excess of the total amount of outstanding contractual liability against the Development Fund for Iraq arising out of contracts or grants funded by the Development Fund for Iraq that:

- a) were entered into on or before June 30, 2004 by the Coalition Provisional Authority or the Multi-National Force-Iraq in accordance with United Nations Security Council Resolution 1483 and implementing regulations;
- b) require the continued performance and/or payment of money originating from the DFI past June 30, 2004; and
- c) are not the subject of a fully-funded letter of credit intended to otherwise ensure performance under the contract or grant.

On June 30, 2004, all responsibilities, duties, powers, and authorities granted to the Administrator and the Coalition Provisional Authority under this Regulation shall transfer to the Prime Minister of the Iraqi Interim Government and the Iraqi Interim Government, respectively.

- 2) Paragraph 1 of Section 5 of CPA Regulation No. 2, Development Fund for Iraq, (CPA/REG/10 June 2003/02), is amended and restated as follows:

1) General. The Central Bank of Iraq/Development Fund for Iraq account and the Central Bank of Iraq/Development Fund for Iraq/Transition sub-account in the Federal Reserve Bank shall be governed by the Federal Reserve Bank's standard terms and conditions regarding accounts of central banks and governments, to the extent consistent with applicable law.

- 3) Paragraph 5 of Section 5 of CPA Regulation No. 2, Development Fund for Iraq, (CPA/REG/10 June 2003/02), is amended and restated as follows

5) Privileges and Immunities. The Fund, including the accounts and sub-accounts that comprise its corpus, and the Receipts Account, shall enjoy the privileges and immunities as set forth in paragraph 22 of Resolution 1483 and continued in paragraph 27 of Resolution 1546, as well as privileges and immunities to which the Fund may be entitled under any other law, regulation, order, or directive.

- 4) Section 8 of CPA Regulation No. 2, Development Fund for Iraq, (CPA/REG/10 June 2003/02), is amended and restated as follows:

Until the Fund is dissolved by the Coalition Provisional Authority (or, after the transfer of governmental authority, by the Interim Iraqi Government) in a manner consistent with Resolutions 1483 and 1546, the Central Bank of Iraq shall continue to hold on its books the Fund. Also, as agreed between the Administrator and the Federal Reserve Bank (and/or other financial institution(s)), such institution(s) shall continue to maintain on its books the "Central Bank of Iraq/Development Fund for Iraq" account and all sub-accounts, including a sub-account entitled "Central Bank of Iraq/Development Fund for Iraq/Transition," and shall continue to accept deposits into, make disbursements from, and otherwise operate the account and sub-account, in accordance with applicable laws, regulations, policies and agreements.

(5) Section 10 of CPA Regulation No. 3, Program Review Board, (CPA/REG/18 June 2003/03), is amended and restated as follows:

The Board may prescribe such additional procedures as may be necessary to carry out its responsibilities under this Regulation. Such procedures shall be effective only upon approval by a majority of the Board's voting members.

Notwithstanding any provisions to the contrary set forth in this Regulation, the Board shall take reasonable steps to ensure that funding initiatives that require payment or performance beyond June 30, 2004 are backed by fully-funded letters of credit from the Trade Bank of Iraq.

Section 2 Entry and Force

This Regulation shall enter into force on the date of signature.

A handwritten signature in dark ink, appearing to read "L. Paul Bremer", followed by the date "6/15/04".

L. Paul Bremer, Administrator
Coalition Provisional Authority

**COALITION PROVISIONAL AUTHORITY
REGULATION NUMBER 12**

IRAQ PROPERTY CLAIMS COMMISSION

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolutions 1483 and 1511 (2003) and 1546 (2004),

Noting that the Statute of the Establishment of the Iraq Property Claims Commission, which was promulgated pursuant to Coalition Provisional Authority Regulation 8, Delegation of Authority Regarding an Iraq Property Claims Commission, (CPA/REG/14 January 2004/8), did not provide adequate mechanisms for the appointment, management, and operation of the Iraq Property Claims Commission,

Recognizing that the Statute of the Establishment of the Iraq Property Claims Commission requires amendment to ensure that the Iraq Property Claims Commission can function properly,

Acknowledging that an initial set of Instructions for Operation are needed to implement the Statute of the Establishment of the Iraq Property Claims Commission so that claimants, court officials, and administrators can understand better the claims process of the Iraq Property Claims Commission, and

Desiring to amend the Statute of the Establishment of the Iraq Property Claims Commission and to promulgate the Instructions for Operation of the Iraq Property Claims Commission,

I hereby promulgate the following:

**Section 1
Amended Iraq Property Claims Commission Statute**

The Statute of the Establishment of the Iraq Property Claims Commission, which became effective on January 15, 2004 pursuant to Coalition Provisional Authority Regulation 8, Delegation of Authority Regarding an Iraq Property Claims Commission, (CPA/REG/14 January 2004/8), is hereby amended and restated in full in the form attached hereto as Annex A.

**Section 2
Promulgation of Instructions for Operation**

The Instructions for Operation of the Iraq Property Claims Commission which are attached hereto as Annex B shall implement the Statute of the Establishment of the Iraq Property Claims Commission and shall apply to all claims filed before the Iraq Property Claims Commission.

Section 3
Entry and Force

This Regulation shall enter into force on the date of signature.

 6/24/04

L. Paul Bremer, Administrator
Coalition Provisional Authority

Annex A

Establishment of the Iraq Property Claims Commission (As Amended and Restated)

SECTION ONE Establishment

Article One

This Statute hereby establishes the Iraq Property Claims Commission (the "IPCC"), which shall resolve real property claims in a fair and judicious manner. The IPCC shall encourage the voluntary resolution of claims.

SECTION TWO Organization

Article Two

The IPCC shall consist of the following structures established by the Iraqi Interim Government:

- A. An Appellate Division, composed of judges and established as a separate chamber of the Iraqi Court of Cassation;
- B. Regional Commissions established in each governorate in Iraq, and a maximum of three regional commissions in the Kurdistan Regional Government area. The Appellate Division may then establish more than one Regional Commission in a governorate; and
- C. A National Secretariat which shall be responsible for overseeing all operational and management activities of the IPCC.

Article Three

A. The Appellate Division of the IPCC shall be composed of five judges, one of whom shall be nominated by the judicial authority in the Kurdistan Regional Government, who have experience in adjudicating property disputes. They may be retired or serving judges and are to be appointed by the Council of Judges. .

B. Each Regional Commission shall be composed of (i) a judge, appointed by the Council of Judges, who shall preside as chairman, (ii) the Director of the Office of Real Estate Registry in the Governorate, or his representative, and (iii) the Director of State Property of such Governorate, or his representative. The Regional Commission may also request the assistance of persons who are experts on the subject of any claim.

C. The National Secretariat shall be composed of (i) a Head of the National Secretariat who shall serve as the highest official of the National Secretariat, (ii)

Annex A

operational managers, auditors, data managers, legal advisers, public relations personnel, and any other staff necessary to ensure the orderly functioning of the National Secretariat, (iii) Regional Secretariats situated in each Governorate with all necessary staff to ensure the IPCC's orderly functioning, including Regional Commission Clerk's offices, which shall provide operational and legal support as necessary to each Regional Commission, and (iv) an Appellate Secretariat with the necessary staff to ensure the Appellate Division's orderly functioning, including an Appellate Division Clerk's office which shall provide operational and legal support as necessary to the Appellate Division.

Article Four

The Iraqi Interim Government shall ensure that the IPCC has the necessary funds to discharge its administrative duties and that the Regional Commissions and Regional Secretariats are provided with appropriate premises from which to operate in the capital of the relevant Governorate or Kurdistan Regional Government area or at any such locations as shall be deemed expedient by the IPCC.

SECTION THREE Procedures

Article Five

- A. The IPCC shall designate the form of documents for submission of claims and for administrative purposes.
- B. The process of adjudicating claims filed with the IPCC shall commence with the claimant(s), or his representative filing a claim in the proper form at any IPCC office, including any properly designated IPCC office outside Iraq.

Article Six

- A. Following receipt of a properly completed claim form, the Regional Secretariat shall open a claim file and record the claim in the intake register in the order received.
- B. After receipt of a properly completed claim form, the relevant Regional Secretariat shall serve notice of the claim on any interested parties, including natural or juridical persons, in accordance with the Guidelines issued by the National Secretariat and Instructions for Operation approved (if before June 30, 2004) by the Administrator or (if after June 30, 2004) the Iraqi Interim Government.
- C. The Regional Secretariat shall serve notice of the claim on the General Directorate of Real Estate Registration, and the General Directorate of Real Estate Registration shall cause the official title record to be endorsed with the date and reference number of the claim.

Annex A

- D. The Regional Secretariat shall verify the claim administratively, and authenticate the identity of the parties.
- E. The Regional Commission Clerk's Office shall then review each claim file, and, prior to submitting the file to the Regional Commission, prepare for the Regional Commission a case report which summarizes the factual background of the case, the legal issues involved, the parties' arguments, and the Clerk's Office's recommendation, made by a legal advisor, as to how the case should be decided.
- F. The Regional Commission may request the assistance of other governmental and non-governmental parties for purposes of valuation of interests and other related matters.
- G. The Regional Commission shall issue its decision with respect to the claim, but the Regional Secretariat shall be responsible for notifying the claimants and any known interested parties of the Regional Commission's decision.

Article Seven

- A. Any appeal of a decision of the Regional Commission must be filed within sixty days from the date of the decision.
- B. Orders issued by the Regional Commission shall be final and binding unless appealed within sixty days.
- C. A decision of the Regional Commission will not be enforceable until the requisite period for filing an appeal has passed and no appeal has been lodged.
- D. A decision made by the Appellate Division is final and binding in respect of any IPCC related matter.
- E. The final order of the Regional Commission or Appellate Division, as appropriate, shall be issued to all relevant parties and the appropriate competent authorities for enforcement.
- F. If the property in question is occupied, possessed or used by the non-prevailing party, and such party has no other property, then the non-prevailing party would be granted a prescribed period of time to surrender possession of the premises. The Regional Secretariat shall also inform the displaced person(s) of the availability of any services for assistance.

SECTION FOUR General Principles

Article Eight

The IPCC shall comply with, but not be limited to, the application of the following examples when resolving real property claims:

- A. Any properties that were confiscated or seized, or on which liens or other encumbrances were placed by the former governments of Iraq

Annex A

(not in the ordinary course of commercial business), but with title remaining in the name of the original owner shall be returned to the original owner, freed and discharged from any such liens or other encumbrances.

- B. Any properties that were confiscated or seized and whose title was transferred to the former governments of Iraq, or an agent thereof, and which were not sold to a third party, shall be returned to the original owner.
- C. Any properties confiscated by the former governments of Iraq that were used as mosques, other places of worship, religious schools, charities or were associated with such uses shall be returned to the appropriate *waqfs* (religious endowments) connected to such uses or to the appropriate holders of title to such properties prior to their confiscation.
- D. Any properties whose title is in the name of senior members of the former governments of Iraq shall be returned to the rightful owners, if it is established that such properties were improperly acquired.
- E. If a property was confiscated and subsequently sold to a buyer (the "First Buyer"), and (i) title remains in the name of the First Buyer and (ii) no improvements were made to the property, then title to the property will be transferred back to the original owner, and the First Buyer would not be entitled to compensation from the original owner.
- F. If the property was an unimproved property (that is, a property not built upon) when confiscated or otherwise seized, and then subsequently sold to the First Buyer, and the First Buyer has improved the property by building upon it, then the original owner would be entitled to either (i) having title transferred to him, provided that he pays the First Buyer the value of the improvements or (ii) being paid appropriate compensation for the property (as an unimproved property).
- G. If the property was sold to the First Buyer, who subsequently acquired an adjoining property from the state, then title to both the original property and the adjoining property shall be transferred to the original owner, provided that such original owner pay the First Buyer the amount that such First Buyer paid for the adjoining property.
- H. If the property has a building on it and then was sold to the First Buyer, who subsequently demolished the original building and built a new building on it, then the original owner of the property may (i) request that title be transferred to him, after paying for the new building, less the value of the old demolished building, or (ii) may request that the First Buyer acquire the property, including the demolished building (less any amounts paid by the First Buyer to the former governments of Iraq).
- I. If the property was subsequently sold by the First Buyer to other buyers, then the original owner could either (i) request that title be transferred to him, or (ii) request compensation for the value of the

Annex A

- property. If the original owner chooses option (i) above, then the final buyer would be entitled to compensation for the value of the property.
- J. If the property was charged as security to a lender for a loan to the First Buyer, then title to the property would be freed and discharged from any such charge, and the lender would then have a right of action against the First Buyer to recover any outstanding balance due under the loan.
 - K. If the property was unimproved and a building was built on it by the First Buyer, and the property was charged to a lender as security for a loan, then any amounts due to the First Buyer by the original owner (pursuant to Paragraph F above) would be paid by the original owner direct to the lender to fully or partially satisfy the loan.
 - L. If the property was confiscated and sold in a public auction and was purchased by either the original owner or his heirs, then they will be entitled to compensation from the state in an amount equivalent to the purchase price.
 - M. If the property is currently being used for a public or charitable purpose, the property shall continue to be used for that purpose, and the Government or current owner, user or possessor shall provide the original owner, user or possessor with compensation.
 - N. Any other relevant situation in line with these provisions.

SECTION FIVE Other Matters

Article Nine

This Statute governs claims:

- A. (1) Arising between July 17, 1968 and April 9, 2003, inclusive;
(2) Involving immovable property, assets affixed to immovable property, easements or servitudes ("real property"), or an interest in real property;
(3) That was confiscated, seized, expropriated, forcibly acquired for less than full value, or otherwise taken, by the former governments of Iraq for reasons other than land reform or lawfully used eminent domain. Any taking that was due to the owner's or possessor's opposition to the former governments of Iraq, or their ethnicity, religion, or sect, or for purposes of ethnic cleansing, shall meet this standard; or
- B. (1) Arising between March 18, 2003 and June 30, 2005, inclusive;
(2) Involving real property, or an interest in real property;
(3) That was confiscated, seized, expropriated, forcibly taken for less than full value, or otherwise acquired and/or reacquired:

Annex A

- i. as a result of the owner's or possessor's ethnicity, religion, or sect, or for purposes of ethnic cleansing, or;
- ii. by individuals who had been previously dispossessed of their property as a result of the former Ba'athist governments' policy of property confiscation.

Article Ten

- A. Newly introduced inhabitants of residential property in areas that were subject to ethnic cleansing by the former governments of Iraq prior to April 9, 2003 may be (i) resettled, (ii) may receive compensation from the state, (iii) may receive new property from the state near their residence in the governorate or area from which they came, or (iv) may receive compensation for the cost of moving to such area.
- B. The Ministry of Displacement and Migration shall be responsible for administering this policy.

Article Eleven

- A. Claims must be filed in the proper form and properly completed by June 30, 2005. Any claims filed with the IPCC after such date will not be accepted.
- B. Any claims with respect to properties within the jurisdiction of this Statute but filed subsequently to June 30, 2005 may be referred to the Iraqi Courts, which shall apply the principles included in this Statute. This provision is not available to any claimant who has already filed a claim with respect to the same property with the IPCC.
- C. The IPCC is to have exclusive jurisdiction over all claims involving immovable property, assets affixed to immovable property, easements or servitudes on property or land or other interests in real property brought in accordance with Articles 9A and 9B. Any such cases pending must be transferred by the relevant court to the jurisdiction of the IPCC.

Article Twelve

The terms of this Statute shall take precedence over any provisions in resolutions or orders or laws that are inconsistent.

Article Thirteen

The National Secretariat shall issue Guidelines which will set forth the procedures to be followed by the IPCC.

The National Secretariat may issue interpretative memoranda which set forth the manner in which it shall construe the Instructions for Operation.

Annex A

Article Fourteen

The Iraqi Interim Government means the Government appointed on June 1, 2004, and assuming sovereignty on July 1, 2004. The authority of the Iraqi Interim Government for the purposes of this Statute will transfer to the successor governments of Iraq.

Article Fifteen

Transfers of real property pursuant to this Statute shall not be subject to income tax, a tax on a transfer of real property, or any other tax or duty.

Article Sixteen

This Statute will become effective on 1 July 2004.

Iraq Property Claims Commission INSTRUCTIONS FOR OPERATION

SECTION ONE General Provisions

Article 1

These Instructions implement the Statute of the Establishment of the Iraq Property Claims Commission (As Amended and Restated) (the “Statute”) and apply to all claims filed before the Iraq Property Claims Commission (IPCC). Unless otherwise stated, references to Articles are Articles in these Instructions.

Article 2

Together with the Statute, these Instructions govern:

- a. The composition of the IPCC;
- b. The submission of claims before the IPCC;
- c. The reception of claims by the IPCC;
- d. The process for deciding claims;
- e. The legal effectiveness of IPCC decisions.

SECTION TWO Composition of the IPCC

Article 3

In accordance with Article 2 and Article 3 of the Statute, the IPCC shall consist of a National Secretariat, an Appellate Division and one or more Regional Commissions in each governorate or Kurdistan Regional Government area.

Annex B

National Secretariat

Article 4

a. A National Secretariat for property claims shall be established. The initial Head of the National Secretariat shall be appointed by the Administrator after consultation with the Iraqi Interim Government for a term of two years which may be renewed once at the discretion of the Prime Minister of Iraq. The initial Head of the National Secretariat shall then take action to manage the work of the National Secretariat by setting up an office, including but not limited to, the following staff:

i. Operational managers to oversee IPCC operations, to coordinate among the different branches of the IPCC, and, where appropriate, to issue user manuals and operating guidelines to direct certain functions of the IPCC;

ii. Auditors to inspect IPCC operations for fraud, waste or mismanagement;

iii. Data managers to enter into the national database of claims the information on forms submitted to the IPCC, and to review the national database for cases with similar and recurrent factual patterns;

iv. Legal advisers to ensure consistent application of IPCC rules, to oversee orders of compensation, and, where appropriate, to request that the Appellate Division issue an advisory opinion addressing an unresolved issue of law or fact;

v. Public relations personnel to advertise the existence of the IPCC, the location of IPCC offices, the rules of procedure of the IPCC, and other issues it deems appropriate;

vi. Appellate Division Secretariat and Regional Secretariats in accordance with Article 3(C) of the Statute and Article 8, Article 9, Article 16, and Article 17; and

vii. Any other staff necessary to ensure an orderly functioning of the National Secretariat in accordance with the responsibilities outlined in these Instructions.

b. All subsequent appointments to the office of Head of the National Secretariat shall be for four years, without term limits, and made in accordance with the following procedure:

The Council of Judges shall recommend three candidates to be considered for appointment as Head of the National Secretariat. The Iraqi Interim Government

Annex B

or successor Government of Iraq shall then appoint one of these candidates as Head of the National Secretariat.

Article 5

The National Secretariat shall:

- a. Ensure consistent implementation of, and compliance with, the Statute, these Instructions, any legal determinations made by the Appellate Division, and any IPCC Guidelines issued by the National Secretariat;
- b. Audit IPCC offices;
- c. Establish a national database of claims, and enter into that database the information received from the Regional Secretariats, IPCC offices or from persons living outside Iraq.
- d. Review the national database for cases with similar and recurrent factual patterns and common legal issues, and notify the Regional Commissions or Appellate Division, as necessary, of such cases for coordinated treatment.
- e. Coordinate among the different branches of the IPCC, and between the IPCC and the Ministry of Housing, the Ministry of Justice, the Council of Judges, the Ministry of Displacement and Migration, and the Ministry of Finance, and any other resource as necessary;
- f. Issue user manuals and operating guidelines;
- g. Manage IPCC public relations and communications;
- h. Oversee orders of compensation and the implementation of orders requiring persons to surrender possession of their property;
- i. Support the Appellate Division and Regional Commissions; and
- j. Accomplish other tasks assigned to it herein or in future IPCC Instructions.

Appellate Division

Article 6

The Appellate Division shall be an independent review body within the IPCC located in Baghdad and established as a separate chamber of the Iraqi Court of Cassation. It shall hear appeals of decisions made by the Regional Commissions.

Annex B

Article 7

- a. In accordance with Article 3(A) of the Statute, the Appellate Division shall be comprised of five retired or serving judges who have experience in adjudicating property disputes, to be appointed by the Council of Judges. The judges of the Appellate Division shall represent a cross section of the Iraqi population. Each Judge shall have a deputy who must be approved by the Council of Judges.
- b. To the extent that the Council of Judges appoints to the Appellate Division any serving judges, such judges shall be transferred to the IPCC to serve on a full-time basis.
- c. Each judge of the Appellate Division shall act as Chief Judge in turn, in an order of appointment to be determined by the Council of Judges. Each appointment shall have a maximum duration of two years.

Article 8

In accordance with Article 3(C) of the Statute, an Appellate Division Secretariat shall be established for the Appellate Division to assist in the IPCC's administration. The Appellate Division Secretariat shall report to, and take guidance and instructions from, the National Secretariat. To establish the Appellate Division Secretariat, the National Secretariat shall appoint a Head of the Appellate Division Secretariat, who shall then take action to establish a support service for the Appellate Division by setting up an office, including but not limited to, the following staff:

- a. Receptionists to ensure the orderly flow of people through the office, and to answer basic questions relating to the IPCC.
- b. Persons tasked with notifying the Regional Commissions and Regional Secretariats of Appellate Division decisions, as required by these Instructions.
- c. Persons trained in: (i) distributing and receiving claim, response and appeal forms, and (ii) entering such forms into a computer and sending the electronic data to the National Secretariat for data processing.
- d. Docket managers to oversee case files and issue final orders.
- e. Any other staff necessary to ensure the orderly functioning of the Appellate Secretariat, in accordance with the responsibilities outlined in these Instructions

Article 9

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In accordance with Article 3(C) of the Statute, an Appellate Division Clerk's Office shall be established in the Appellate Division Secretariat and provide operational and legal support as necessary to the Appellate Division. The Appellate Division Clerk's Office shall report to, and take guidance and instructions from the Appellate Division Secretariat and (as necessary) the National Secretariat.

To establish the Appellate Division Clerk's Office, the Head of the Appellate Division Secretariat (in consultation with the Head of the National Secretariat) shall provide the Chief Judge of the Appellate Division with a list of ten candidates qualified to serve as the Head of the Appellate Division Clerk's Office. The Chief Judge of the Appellate Division (in consultation with all other Appellate Division Judges) shall then appoint one candidate from the list of ten candidates provided by the Appellate Division Secretariat as the Head of the Appellate Division Clerk's Office. The Head of the Appellate Division Clerk's Office shall then set up an office in the Appellate Division Secretariat which shall be composed of legal advisors who shall review case files and prepare for the Appellate Division a case report which summarizes:

- (i) the factual background of the case;
- (ii) the legal issues involved;
- (iii) the parties' arguments; and
- (iv) the Clerk's Office's recommendation, made by a legal adviser, as to how the case should be decided.

Article 10

In accordance with Article 2(B) of the Statute, the Appellate Division may determine that a governorate or Kurdistan Regional Government area would benefit from more than one Regional Commission, and, if it does, shall establish the territorial boundaries of each Regional Commission within a governorate or government area. The Appellate Division also may determine that a Regional Commission should operate in more than one governorate.

Article 11

Upon request of the National Secretariat or a Regional Commission, the Appellate Division may issue an advisory opinion on any unresolved question of law or common issue of fact to establish the rule to be applied uniformly to subsequent similar cases.

Article 12

The term of office of the judges of the Appellate Division shall expire after five years and may be renewed upon decision by the Council of Judges, except that the term of office shall terminate upon completion of all claims before the Appellate Division.

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Article 13

The standards under which a judge of the Appellate Division shall disqualify himself or herself from considering a claim are the same as the standards under which a Regional Commissioner shall disqualify himself or herself. Where a judge of the Appellate Division is not available to consider a claim, whether because they disqualify themselves or otherwise, their deputy may sit on the Appellate Division and act with the full powers of the unavailable judge.

Regional Commissions

Article 14

- a. In accordance with Article 2(B) of the Statute, each Regional Commission shall serve a different governorate or Kurdistan Regional Government area and shall be located in the capital city of the governorate or Kurdistan Regional Government area in which it serves, unless the Appellate Division otherwise determines in accordance with Article 10.
- b. Notwithstanding Paragraph (a) of this Article, a Regional Commission may sit in any part of the territory over which it has jurisdiction if the Chairman of the Regional Commission or the National Secretariat determines, in their discretion, that the circumstances so warrant.

Article 15

In accordance with Article 3(B) of the Statute, each Regional Commission shall be comprised of (i) a judge appointed by the Council of Judges, who shall serve as the Chairperson; (ii) the Director of the Office of Real Estate Registry in the Governorate in which the Commission sits, or their representative; and (iii) the Director of State Property of such Governorate, or their representative.

Article 16

In accordance with Article 3(C) of the Statute, a Regional Secretariat shall be established for each Regional Commission to assist in the IPCC's administration. The Regional Secretariat shall report to, and take guidance and instruction from, the National Secretariat. To establish the Regional Secretariat, the National Secretariat shall appoint a Head of the Regional Secretariat, who shall then take action to establish a support service for the Regional Commission by setting up any necessary offices, including but not limited to, the following staff:

- a. Receptionists to ensure the orderly flow of people through the office, and to answer basic questions relating to the IPCC.

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- b. Persons tasked with notifying interested parties, as required by these Instructions.
- c. Persons trained in: (i) distributing and receiving claim, response and appeal forms, and (ii) entering such forms into a computer and sending the electronic data to the National Secretariat for data processing.
- d. Docket managers to oversee case files and issue final orders.
- e. Mediators and staff to assist in the voluntary resolution of claims.
- f. Any other staff necessary to ensure the orderly functioning of the Regional Secretariat, in accordance with the responsibilities outlined in these Instructions.

Article 17

In accordance with Article 3(C) of the Statute, a Regional Commission Clerk's Office shall be established in each Regional Secretariat and provide operational and legal support as necessary to the Regional Commission. The Regional Commission's Clerk's Office shall report to, and take guidance and instructions from the Regional Secretariat and (as necessary) the National Secretariat.

To establish the Regional Commission Clerk's Office, the Head of the Regional Secretariat shall provide the Chairperson of the Regional Commission with a list of ten candidates qualified to serve as Head of the Regional Commission Clerk's Office. The Chairperson of the Regional Commission (in consultation with all other members of the Regional Commission) shall then appoint one candidate from the list of ten candidates provided by the Head of the Regional Secretariat as the Head of the Regional Commission Clerk's Office. The Head of the Regional Commission Clerk's Office shall then set up an office in the Regional Secretariat which shall be composed of legal advisers who shall (in accordance with Article 6(E) of the Statute) review case files and prepare for the Regional Commission a case report which summarizes:

- (i) the factual background of the case;
- (ii) the legal issues involved;
- (iii) the parties' arguments; and
- (iv) the Clerk's Office's recommendation, made by a legal adviser, as to how the case should be decided.

Article 18

Members of a Regional Secretariat may be required by these Instructions, by the Chairperson of the appropriate Regional Commission or by the National Secretariat to travel to any part of the territory over which the Regional

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Commission has jurisdiction in order to facilitate the intake or processing of claims.

Article 19

The commissioners' term of office shall expire after three years and may be renewed upon decision by the relevant appointing authority, except that the term of office shall terminate upon completion of the Regional Commission's consideration of the claims before it.

Article 20

- a. A Regional Commissioner shall disqualify himself or herself from considering any claim in which their impartiality might reasonably be questioned.
- b. The impartiality of a Commissioner might reasonably be questioned, *inter alia*, if:
 - i. The Commissioner is a relative of one of the parties;
 - ii. The Commissioner or their spouse, child, parent, son-in-law or daughter-in-law has an ongoing dispute with one of the parties;
 - iii. The Commissioner has been a legal advisor for one of the parties, business partner of any kind, held an interest in a company, or been a board member of a company in which one of the parties has a controlling interest;
 - iv. The Commissioner or their relative has given advice or an opinion on the particular case before it reached the Regional Commission;
or
 - v. The Commissioner has any other interest (financial or otherwise) in the claim.
- c. For the purposes of these Instructions, "relative" is defined as "a relation through parentage, marriage or adoption up to the fourth degree".
- d. Where a Commissioner is not available to consider a claim, whether because they disqualify themselves or otherwise, their position shall be filled by an ad hoc appointment by the appointing authorities, so that the appointing authority which appointed the disqualified Commissioner shall appoint the ad hoc replacement.

Submission and Reception of Claims

A) Information on claim submission

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Article 21

The National Secretariat shall carry out national and international information programs, and Regional Secretariats shall carry out such programs within the territories of their respective Regional Commissions, to ensure that potential claimants receive notice of, and instructions on submitting a claim to the IPCC. Such programs shall employ notices to be published widely (i.e., both inside and outside Iraq, as appropriate, and via a number of different media) and repeatedly in order to reach all potential claimants.

B) Submission of claims

Article 22

Any person, natural or juridical, or their heirs, may submit a claim to the IPCC so long as the claim:

- A. (1) Arose between July 17, 1968 and April 9, 2003, inclusive;
- (2) Involves immovable property, assets affixed to immovable property, easements or servitudes ("real property"), or an interest in real property;
- (3) That was confiscated, seized, expropriated, forcibly acquired for less than full value, or otherwise taken, by the former governments of Iraq for reasons other than land reform or lawfully used eminent domain. Any taking that was due to the owner's or possessor's opposition to the former governments of Iraq, or their ethnicity, religion, or sect, or for purposes of ethnic cleansing, shall meet this standard; or
- B. (1) Arose between March 18, 2003 and June 30, 2005, inclusive;
- (2) Involves real property, or an interest in real property;
- (3) That was confiscated, seized, expropriated, forcibly taken for less than full value, or otherwise acquired and/or reacquired:
 - i. as a result of the owner's or possessor's ethnicity, religion, or sect, or for purposes of ethnic cleansing, or;
 - ii. by individuals who had been previously dispossessed of their property as a result of the former Ba'athist governments' policy of property confiscation.

For purposes of the IPCC's jurisdiction, actions or inactions attributable to the former governments of Iraq include, but are not limited to:

- 1. The actions or inactions of any State organ in Iraq, whether of the central government or of a territorial unit of the State, and whether the organ

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exercised legislative, executive, judicial or any other functions within the former governments;

2. The actions or inactions of a Ba'ath party member, or of a relative of a senior official of the Government or party, operating with apparent authority, or under color of authority, or with the implicit or explicit license of the former governments.

Claims for damages only are not within the jurisdiction of the IPCC.

Article 23

A claimant who brings a claim in bad faith and with knowledge that such claim is fraudulent will be deemed to commit a criminal offence under the Iraqi Penal Code.

Article 24

A claimant who, after issuance of these Instructions, willfully returns to currently occupied property and takes measures to force the current occupiers to vacate that property will be deemed to commit a criminal offence under the Iraqi Penal Code.

Article 25

- a. Claims shall be submitted in person, in the prescribed form, at any IPCC office as required under Article 5 of the Statute.
- b. Claims submitted by persons located outside Iraq will be governed by a separate set of Instructions.
- c. Claims will be deemed to be filed once the claim has been accepted by the Regional Secretariat acting through any IPCC office and the applicant has been issued an acknowledgement bearing the claim reference number.

Article 26

Where security conditions or geographical conditions so warrant, the Regional Secretariat may dispatch a mobile team, consisting of members of the Regional Secretariat, to an area with a concentrated population of potential claimants, to facilitate the intake and processing of claims.

Article 27

- a. Where a representative acts on behalf of a claimant, the representative must prove their representation. The IPCC shall prescribe the form of evidence of

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representation, and the signature of the claimant authorizing representation on that form shall be considered sufficient evidence of representation unless there is reason to believe that such signature was wrongfully obtained.

b. Where property rights are communally held, and the person in whose name the property is registered cannot be found, other members of the community may file a claim on behalf of the entire community if such members offer proof of the registered person's absence and proof of membership in the community.

Article 28

The claimant, or their representative, shall attach to the claim form any available evidence, including any testimonial evidence, proving their rights to the claimed property.

a. Written testimony shall be sworn and notarized, in accordance with Iraqi law.

b. For documentary evidence, the claimant, or their representative, shall submit a certified copy. Wherever possible, the IPCC shall review and certify, as true and correct, any original documents pertaining to the claim, but the IPCC will not accept custody of any original documents.

Article 29

The claimant, or their representative, may withdraw the claim or part of the claim at any time until a decision is issued.

a. A withdrawal shall be explicit, in the prescribed form, signed by the claimant and filed in the manner specified for claims in Article 25.

b. Upon receipt of notification of a withdrawal, the Regional Commission may accept the withdrawal, with or without prejudice, and the Regional Secretariat shall record in the national database that the claim has been withdrawn.

C) Processing of Claims (in-country claimants)

Article 30

Upon receipt of a claim in the proper form, the Regional Secretariat shall review the form in the claimant's presence, or in the presence of their representative, to ensure that all obligatory information is provided. Where the claim form is missing obligatory information, the Regional Secretariat shall advise the claimant, or their representative, of what must be done to provide the missing information and shall return the claim form to the claimant, or to their representative, without processing it.

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Article 31

Once the Regional Secretariat has reviewed the claim form and advised the claimant, or their representative, of any missing obligatory information, it is the responsibility of the claimant to complete the form within the filing period. The claim will not be accepted for processing by the Commission until all obligatory information is provided.

Article 32

Immediately upon receipt of a properly completed claim form, and, in the claimant's presence, or in the presence of their representative, the Regional Secretariat shall:

- a. Assign the claim a unique claim number;
- b. Affix a pre-printed label with the unique claim number to the claim form;
- c. Provide the claimant with confirmation of receipt in the prescribed form showing the unique claim number for future reference.

Article 33

After assigning a unique claim number to the claim, the Regional Secretariat shall serve notice of the claim on all identifiable interested parties, in accordance with Article 6(B) of the Statute.

- a. The Regional Secretariat shall serve notice of the claim on interested parties by:
 - i. Physically posting notice for a minimum of one month on the subject property, at the office of the Regional Commission and in any local or electronic venues that may attract an interested party's attention; and
 - ii. Communicating the notice in writing to any identifiable interested parties, unless impracticable.
- b. Upon serving or posting notice (whichever is later), the Regional Secretariat shall record the date of notice.
- c. The notice shall provide sufficient details to enable any interested party to file a response to the claim. Further information relating to the claim may be provided by the Regional Commission, if the Head of the Regional Secretariat determines that such information is necessary for the proper filing of a response.

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The Regional Secretariat shall identify interested parties by reviewing the national database for any other claims relating to the subject property, searching the appropriate property registry for current and previous owners, identifying any current users or occupiers of the property, and taking any other steps it deems appropriate.

Article 35

Absent good cause, interested parties shall have forty five days from the date on which notice is served or posted (whichever is later) to submit a response to the claim. A response shall be submitted in the prescribed form and shall be submitted in the manner specified for a claim form in Article 25.

Article 36

For any form received by the Regional Secretariat, the Regional Secretariat shall enter the data from the form into the computer, and transmit the electronic version of the form data to the National Secretariat for data processing. The Regional Secretariat shall also send the original version of the form to the National Secretariat for filing in the national repository.

Article 37

Upon receiving the data from the Regional Secretariat, the National Secretariat shall transfer that data into the national database. Upon receiving the original paper copy, the National Secretariat shall file it at a national repository.

D) Processing of Claims (of out-of-country claimants)

Article 38

The National Secretariat shall process the claims of out-of-country claimants in the same way that the Regional Secretariats process the claims of in-country claimants, except as provided herein or in future IPCC Instructions.

Article 39

The appropriate Regional Secretariat remains responsible for notifying all identifiable interested parties of a claim, and the Regional Commission with jurisdiction over the area in which the property is located shall decide the claim.

Process for Deciding Claims

Article 40

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The Regional Secretariat or the National Secretariat may, at any time, consolidate claims that arise out of the same sequence of events or that are otherwise intertwined, in the interest of expediting the resolution of all claims.

A) Principles

Article 41

The IPCC shall comply with, but not be limited to, the application of principles set forth in Article 8 of the Statute.

B) Settlement

Article 42

The Regional Secretariat shall encourage the voluntary resolution of claims, and may arrange mediation or otherwise facilitate the amicable settlement of issues among the claimant(s) and any identifiable interested parties. The National Secretariat will provide guidance on the procedures to be followed.

Article 43

Where all parties resolve a claim voluntarily, the claim shall be removed from the Regional Commission's docket in one of the following ways:

- a. The claimant may withdraw their claim, pursuant to Article 29; or
- b. The parties may notify, in the prescribed form, the Regional Secretariat of the settlement.
- c. Where the parties notify the Regional Secretariat of the settlement under Paragraph (b) above, the Regional Secretariat shall convey that form to the Regional Commission. The Regional Commission shall then approve or, in extraordinary circumstances, disapprove the terms of voluntary resolution.

Article 44

Where the Regional Commission approves the terms of voluntary resolution, such approval shall be final and binding between the parties to that resolution, not subject to appeal, and of the same force and effect as a Final Order.

- a. If the settlement is not submitted to the Commission because the claim is withdrawn by the claimant, or the Commission disapproves the settlement, the voluntary resolution will have only the legal effect that it would have had under Iraqi law in the absence of the Statute and these Instructions.

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b. Where the Commission disapproves the terms of settlement, the claim shall be adjudicated in accordance with these Instructions, unless the claimant chooses to withdraw the claim.

C) Adjudication

Article 45

Where the parties do not pursue amicable settlement or fail to resolve the claim voluntarily, the Regional Commission Clerk's Office shall review the case file and prepare for the Regional Commission a case report which summarizes:

- (i) the factual background of the case;
- (ii) the legal issues involved;
- (iii) the parties' arguments; and
- (iv) the Clerk's Office's recommendation, made by a legal adviser, as to how the case should be decided.

Article 46

If, in analyzing the evidence, the Regional Secretariat determines that the evidence submitted is insufficient or of doubtful reliability, the Regional Secretariat may initiate evidence collection and/or verification procedures.

Article 47

Upon receiving the case file and the case report from the Regional Secretariat, the Regional Commission may, in its discretion, hold a hearing to develop the factual record.

Article 48

a. In accordance with Article 6(F) of the Statute, the Regional Commission may request the assistance of other governmental and non-governmental parties for purposes of valuation of interests and other matters relating to the issues in dispute.

b. Where the Regional Commission requests the assistance of other governmental parties, such parties shall provide the requested assistance.

Article 49

The Regional Commission shall decide the claim and the appropriate remedy by majority vote with three members present.

Article 50

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In making a decision, the Regional Commission shall look to the previous decisions of other regional commissions for guidance and shall accept the previous decisions of the Appellate Division as conclusive on any resolved issue of law or fact.

Article 51

The Regional Commission shall issue a decision that:

- a. identifies the parties' names;
- b. identifies the property at issue;
- c. determines the parties' respective rights to the subject property, including ownership rights, rights of possession, and rights of use;
- d. provides the legal basis for that determination;
- e. sets forth such legal remedy as the Regional Commission deems appropriate; and
- f. if applicable, identifies for the parties the availability of any governmental services or assistance.

Article 52

In accordance with Article 6(G) of the Statute, the Regional Secretariat shall notify the parties, or their representatives, of the Commission's decision by delivering to them a copy of that decision, if such delivery is practicable, and by posting notice of the decision both at the office of the Regional Commission and in any local or electronic venues that may attract the parties' attention.

Article 53

Decisions of the Regional Commissions shall be final and binding on the parties, unless appealed within sixty days from the date of decision, except that the Commissions may correct any clerical or technical errors in any earlier decisions.

D) Appeals

Article 54

Any party may appeal a decision of a Regional Commission on the grounds of new evidence or manifest error.

Article 55

To appeal a decision of the Regional Commission, a party shall file, within sixty days from the date of the Regional Commission's decision, an appeal in the

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prescribed form. Such form shall be filed in the manner specified for claims in Article 25.

Article 56

Upon receipt of an appeal, the Regional Secretariat shall:

- a. Stay issuance of a Final Order; and
- b. Enter the form into a computer and send the electronic version of it to the National Secretariat for data processing.
- c. Forward the appeal form and the case file to the Appellate Division Secretariat.

Article 57

The Appellate Division Secretariat shall:

- a. Notify the Regional Secretariat of its receipt of the Appeal;
- b. Review the case file and the decision being appealed;
- c. Transfer the case file and the decision being appealed to the Appellate Division Clerk's Office who shall prepare for the Appellate Division a case report setting forth:
 - (i) the decision below;
 - (ii) the ground for appeal;
 - (iii) a summary of the parties' arguments; and
 - (iv) the Appellate Division Clerk's Office's recommendation, made by a legal adviser, as to whether to consider the appeal and how to resolve it.

Article 58

All decisions by the Appellate Division shall be made by a majority vote and with five members present. In the event that a Judge is unavailable, their deputy may sit on the Appellate Division and act with the full powers of the unavailable judge.

Article 59

The Appellate Division may not reconsider its decision, but it may correct any clerical or technical errors of any earlier decision.

Article 60

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The Appellate Division Secretariat shall notify the appropriate Regional Commission and Regional Secretariat of the Appellate Division's decision. The Regional Secretariats shall be responsible for notifying the parties, or their representatives, of the Appellate Division's decision in accordance with the provisions of Article 52.

Legal Effectiveness of IPCC Decisions

Article 61

Upon issuance of a decision by the Appellate Division, or, where no appeal is made, fifteen days after expiration of the sixty day period for appeal, the Regional Secretariat shall issue to the parties and to the appropriate Office of Property Registration a Final Order confirming that the decision is final and binding. The Final Order shall identify the name(s) of the rights holders, the subject property, and the remedy, if applicable. In addition, each Final Order shall have a unique serial number and shall be verified with an official stamp.

Article 62

In accordance with Article 7(E) of the Statute, Final Orders are directly enforceable by the competent authorities of the district where the subject property is located.

Article 63

Final Orders may be reopened only if a person:

- a. Files a claim or response before the IPCC within the filing period;
- b. Has a claim to the subject property under Article 22; and
- c. Demonstrates that they did not know, and could not reasonably be expected to know, of the previous claim with respect to that property.

Article 64

In accordance with Article 7(F) of the Statute, Final Orders requiring the current occupants to surrender possession of the property may be enforced after sixty days if the occupants do not vacate the premises voluntarily. All other Final Orders may be implemented immediately.

Article 65

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Where a Final Order results in a previous occupier, possessor or user of property surrendering possession of the premises, the Regional Secretariat shall inform that person of any services available for assistance, and of any policy of the Ministry of Displacement and Migration to resettle or compensate such persons, in accordance with Article 7(F) and Article 10(B) of the Statute.

Article 66

These Instructions may be revised or supplemented by the Iraqi Interim Government. Additional details regarding the claims process may also be found in Guidelines, interpretative memoranda, and literature prepared by the National Secretariat.

Article 67

The National Secretariat may issue interpretative memoranda which set forth the manner in which it shall construe the Instructions.